

STUDENT CODE OF CONDUCT

Statement of Philosophy

As an academic community, SUNY Delhi is committed to providing an environment which encourages educational and personal growth. Students are expected to meet academic challenges. They are also expected to develop maturity, self-sufficiency, responsibility, self-understanding, and respect for the rights of others.

Academic communities differ from other communities in several ways. First, the primary mission of educational institutions is the pursuit of knowledge. The environment must be conducive to teaching, learning, thought and research. Second, campus living environments are unique. On a residential campus such as SUNY Delhi, students live in close proximity to each other and interact continuously in their day-to-day living. The potential for noise, disruptions or other infringements upon the rights of community members is always present. While SUNY Delhi strongly supports the First Amendment rights of free speech, students should be aware of the effects of abusive or hurtful language on their classmates. Civil behavior is expected at all times.

These unique differences make it imperative that members of this academic community be particularly sensitive to the rights of others, especially the right to quiet thoughtful study. Preservation of the institution for future generations, both in its facilities and its character, is essential. Rules and regulations are necessary for the orderly conduct of the educational process.

SUNY Delhi is committed to the education of the whole person. This includes social, emotional and physical, as well as, intellectual development. Consequently, the philosophy of the *Code* is educational in nature. Inappropriate behavior will be confronted and addressed in a positive and direct manner. Students should be well aware that behaviors, which detract from the serious educational purpose of the College, will not be tolerated. In particular, there are several behaviors which are considered serious enough to warrant severe disciplinary action, including suspension or expulsion from the institution. These behaviors are **physical violence, sale or distribution of controlled substances or illegal possession, sexual violence, the destruction of college property, arson, harassment and sexual harassment, biased related crimes and disrespect for those in authority at the College.**

The Student Code of Conduct also assumes the responsibility of protecting the rights of individuals accused of violating rules and regulations. This is accomplished through the establishment of procedural safeguards and counseling. Self-insight and self-initiated change of behavior are part of the disciplinary process.

Students and organizations should understand that they are subject not only to all of the rules and regulations in this *Code*, but are also bound by all federal, state and local laws on- or off-campus. The College reserves the right to take disciplinary action independently, regardless of the actions taken by Campus University Police and/or other police organizations. Students should also be aware that the rules and regulations found in the *Student Code of Conduct* are applicable to off-campus behaviors in cases where there exists a nexus with campus interests. In civil or criminal cases, the College will cooperate with both the civil authorities and the student defendant regarding background information, and no attempt will be made to protect the student from the legal consequences of their behavior.

All students and organizations are expected to abide by the following rules and regulations while on or off campus.

I. Fire Safety

It is considered a violation of college policy to engage in any of the following activities:

- A. Unauthorized setting of fires on College or College Association property.

- B. Possession and/or use of candles, incense, incense burners, oil burners, oil lamps, or any similar items.
- C. Tampering with any fire safety equipment, including but not limited to fire extinguishers, heat and smoke detectors, pull stations, pre-alarm covers, electrical conduit and wiring.
- D. Activation of an alarm as a result of use of an unapproved appliance or inappropriate behavior.
- E. The failure to leave the building in a timely fashion as a result of a fire alarm.
- F. In addition, residence hall staff members have the authority to confiscate any item found to have caused the activation of an alarm. Restitution and arrest (if appropriate) are also possible.
- G. Students who are found to have falsely activated a fire alarm (including a local alarm station) can expect serious disciplinary action, including suspension or expulsion from the institution.

II. Drugs

- A. The possession, use and/or sale or transfer of illegal drugs or controlled substances is prohibited on or off college property. This prohibition applies to the misuse, distribution, sale or transfer of legally obtained prescription drugs. The College will uphold laws currently in effect in New York State.
- B. Students found to be engaged in the sale of drugs or in possession of misdemeanor or felony amounts of drugs (including marijuana) will face severe disciplinary sanctions, which would likely include suspension or expulsion from the institution.
- C. Students should be aware that their presence in an area where this drug policy is in violation will result in disciplinary action, regardless of their actual involvement in the use of drugs.
- D. Drug paraphernalia is not permitted on campus.
- E. Students who are found to be in violation of this policy as a result of marijuana use or possession will be enrolled in the College's three level Alcohol and Marijuana Policy (see section XVII for a description of this program).
- F. Please see Appendices 2, 3 and 4 for a list of legal sanctions and health risks under Federal, State, and Local laws for the unlawful possession or distribution of illicit drugs.

III. Alcoholic Beverages

- A. The possession, consumption, sale or transfer of alcoholic beverages by all students (regardless of age) or visitors on College or College Association property is not permitted. Exceptions to this policy apply only to academic programs and functions sanctioned by the College President.
- B. The College also holds students accountable for violations of law related to alcoholic beverages on or off campus.

- C. Students and/or visitors should be aware that their presence in an area where this alcohol policy is in violation will result in disciplinary action, regardless of their actual involvement in the consumption of alcohol.
- D. Possession of or the display of empty or refilled alcohol containers, and the display of alcohol posters, signs or advertising outside doors and windows is not permitted.
- E. Alcohol paraphernalia is not permitted on campus.
- F. Students who are found to be in violation of this policy will be enrolled in the College's three level Alcohol and Marijuana Policy (see section XVIII for a description of this program).
- G. Please see Appendix 6 for a list of legal sanctions for the unlawful possession or distribution of alcohol as well as health risks associated with alcohol.

IV. Smoking

As per New York State law and college policy, smoking is prohibited in all residence halls and campus buildings and within 15 feet of any campus building or under any awning. Students found to be responsible for violations of the smoking policy will receive the following sanctions: First Violation – Social Warning; Second Violation – Residence Hall Probation; Third Violation – Removal from Residence Halls.

V. Prohibited Items on Campus

Individuals are not permitted to use nor have in their possession the following items:

- A. Any weapon, including but not limited to, spring-fired, gas-fired, electrically-fired or explosively-fired devices or fire arms, which includes rifles, pistols, BB or Pellet guns, bows, slingshots, "stun-guns", blow guns and/or darts, any ammunition associated with these devices (ie. paintballs, BB's, blow darts, etc.) or use of any object with intent to harm or intimidate another individual including knives and/or any similar devices.
- B. Firecrackers, explosives, explosive ammunition, or dangerous chemicals.
- C. Knives of any sort (including "box cutters") with the exception of approved knives or tools used for academic purposes. Any tools or knives approved for academic purposes that are stored in residence hall rooms or carried on campus must be kept secure in locked tool boxes, trunks or appropriate storage units.
- D. Toy guns, water guns, cap guns or any type of imitation pistol or rifle.
- E. Electric or gas powered scooters, bikes and mini-cycles.
- F. Skateboards.

VI. Prohibited Items in the Residence Halls

Individuals found to be in violation of these policies can expect disciplinary action and confiscation of the item. Residential students and visitors are also required to abide by the policies outlined in the *Housing Policy Guide*.

- A. Any bed not supplied by the College, including lofts and waterbeds. Students with medical needs should contact the Director of Residence Life for an exemption to this policy.
- B. Refrigerators that are rated over 1.5 amps.
- C. All cooking appliances including hotpots and coffee makers.
- D. Fuel operated engines or electrically operated table tools.
- E. No barbells are permitted. Free weights up to 50 pounds each **are** (*remove bold*) permitted.
- F. Non-fire resistant furniture.
- G. Halogen lamps.
- H. Pets and animals, with the exception of approved guide dogs.
- I. Air conditioners or portable heaters. The Director of Residence Life may grant exceptions.
- J. 2.4 GHz cordless phones are strictly prohibited because they interfere with Bronco Wireless.

VII. Conduct - Rules and Regulations

Students and organizations found to have committed any of the following infractions are subject to the disciplinary sanctions outlined in section XIV. The following behaviors are prohibited on or off the SUNY Delhi campus:

- A. Possession and/or use of candles, incense, incense-burners or any item that produces an open flame are prohibited in the residence halls.
- B. Structural modifications to student rooms, lounges, corridors or furniture are prohibited. Using tape or other material to seal a doorjamb is prohibited.
- C. Failure to obey a notice from the Director of Judicial Affairs or College official to appear for a meeting or hearing as part of the campus disciplinary system. Any attempt to manipulate the College judicial system, including the intentional falsification or misrepresentation of individuals or information before a judicial body or college official, or any intentional attempt to coerce or manipulate witnesses or staff members.
- D. Any violation of College policies including, but not limited to:
 1. The official Housing Policy Guide, including failure to register overnight guests. All visitors are expected to abide by all College policies, and may be removed or banned from college property for failure to abide by College policy. Students will be held judicially responsible for the behavior of their guests (overnight or not). Other violations include failure to follow policies related to Night Host check-in systems, hall closings, room assignments, keys, and damages to rooms. See the Housing Policy Guide for specifics of these policies.
 2. Greek Council policies and procedures including, but not limited to, compliance with pledging practices, hazing policies, and use of College facilities.

3. Any Student Activities policies, including, but not limited to, use of facilities by unrecognized organizations or failure to comply with Farrell staff (building managers, etc.).
 4. Any other College published procedure or policy.
- E. Violations of quiet hour rules or excessive noise at any time.
 - F. The operation of any business in any room or residence hall facility. This includes solicitation, canvassing or advertising on college property without the authorization of the Vice President for Student Life.
 - G. Residency in the residence halls when closed for vacation without the approval of the Director of Residence Life.
 - H. The failure to return all keys to the residence hall staff prior to scheduled college closings or when requested by college staff.
 - I. Creating a safety hazard by throwing objects into or out of residence hall windows or doors.
 - J. Failure to abide by disciplinary sanctions imposed by a judicial body or college official.
 - K. Hanging unapproved banners, flags or displays from windows or doors of residence halls. Approval can be granted through the Residence Hall Director.
 - L. Conduct which threatens or endangers the health or safety of any person, including but not limited to students, college officials, faculty, residence hall staff (which includes Resident Directors, Resident Assistants, and custodial staff), and University Police Officers. These behaviors include, but are not limited to:
 1. Assault,
 2. Physical abuse,
 3. Verbal abuse,
 4. Threats,
 5. Intimidation,
 6. Harassment,
 7. Coercion,
 8. Sexual Violence
 9. Domestic Violence

Listed in Appendix I are all New York State Laws on Sex Offenses. Appendix 2 cites all New York State penalties for violations of Stalking, Domestic Violence and Sex Offenses.

- M. The reckless, disruptive or unsafe use of recreational equipment, including but not limited to: snowboards, bicycles, roller skates, roller blades, or scooters. Reckless, disruptive or unsafe use is defined as riding at excessive speed and or performing or practicing stunts; causing noise which disrupts people; riding with undue regard for the safety of others; or riding in a manner that causes damage to SUNY Delhi property and landscaping. It is prohibited to ride recreational equipment up and down steps, stairways, access ramps, retaining walls, benches, railings or similar architectural features, or inside any College building.

- N. Acts of dishonesty, including but not limited to the following:
1. Cheating, plagiarism, or other forms of academic dishonesty. Students found in violation of this policy will be subject to the Academic Integrity Policy (see Section **XXV**).
 2. Furnishing false information to any college official or employee,
 3. Forgery, alteration or misuse of any college document, record or instrument of identification,
 4. Tampering with the election of any college recognized student organization.
- O. Vandalism, which includes any of the following:
1. Attempted or actual damage to property of the College, or property of a member of the college community, or other personal or public property.
 2. Tampering with doors such as disabling a locking mechanism, electronic card system or entrance-phone system or propping open a door intended to be closed or locked.
 3. Tampering with or modifying any campus electrical, telephone or cable system or vending machine or game.
 4. Failure to use proper trash and/or recycling containers or the dumping of trash in inappropriate locations.
- P. Disrespect for, or the failure to comply with the directives of a college official, faculty or staff member, or law enforcement officer acting in the performance of their duties and/or the failure to produce identification to these persons when requested to do so. This includes, but is not limited to, Night Hosts, Resident Assistants, and Custodial staff.
- Q. Attempted or actual theft of property belonging to the College, or property of a member of the college community, or other personal or public property. Persons who possess property other than his/her own without the consent of the owner or who intentionally impede recovery by the owner, or College officials acting on behalf of the owner, will be considered as knowingly participating in the use of stolen property.
- R. Occupying rooftops, open windowsills or building ledges, or suspending antenna or other items from building.
- S. Unauthorized possession, duplication or the use of keys to any college premises or unauthorized entry to or use of college premises, including but not limited to, unauthorized entry to student rooms or unauthorized sharing of any College key or SUNY Identification Card by students or their guests that compromises the security of personal or College property. All students found in possession of such items who intentionally impede recovery of same by the owner or College officials will be considered knowingly participating in the use of these unauthorized items.
- T. Violation of federal, state or local law or college regulations, on- or off-campus, including college sponsored or supervised activities and trips. A finding of a violation under this rule does not require proof of a conviction in any non-campus legal proceeding.
- U. The turning in or activation of a false fire alarm or bomb threat.
- V. Being barefoot in college cafeterias or academic buildings.

- W. Water fights in buildings.
- X. Entrance or use of bathroom or shower facilities intended for use by the opposite gender.
- Y. The opening of window security screens and/or the use of open windows for any reason other than as an emergency exit.
- Z. Disruption to or obstruction of the academic environment, research, administration, disciplinary proceedings or other College activities on or off campus is prohibited. This behavior includes, but is not limited to, excessive noise, abusive or obscene language in a public place and boisterous or threatening conduct which is unreasonable in the area, time, or manner in which it occurs.
- AA. Conduct that is disorderly, lewd or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace of college premises or at functions sponsored by, or participated in by the college or members of the academic community. Disorderly conduct includes, but is not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without his/her prior knowledge, or without his/her effective consent when such recording is likely to cause injury or distress. This includes, but is not limited to, taking pictures of another person in a gym, locker room, or restroom.
- BB. Driving vehicles in unauthorized areas such as sidewalks and athletic fields.
- CC. Students are required to carry their SUNY Delhi Identification Card at all times. Failure to produce proper identification upon request by faculty, professional staff, or student staff in the performance of their official duties is prohibited.
- DD. Students who knowingly assist in the violation of College policy or any violation of federal, state or local law will be considered aiding and abetting.
- EE. Any unauthorized use of electronic or other devices to make an audio or video recording of official College business including but not limited to: administrative meetings or hearings, judicial hearings, Student Conduct Council hearings or other proceedings is prohibited.

VIII. Computer Usage

It is a violation of College policy to engage in any of the following activities:

- A. The use of Campus Technology Resources to publicly display or promote obscene messages, images and/or sounds, or to send threatening, obscene or harassing messages, images and/or sounds to any individual, regardless of whether he/she is a student is prohibited. This includes not just e-mail and the Internet, but the use of any college computer facility, personal computer, or off-campus computer system. Students should be aware that the College's policies on harassment apply equally to electronic communications as well as the more traditional means of display and communication.
- B. Users should be aware that federal telecommunications legislation specifies penalties for harassment, the transmission of indecent material to all people, and the transmission and availability of indecent materials to persons under the age of 18 even at their request. Inappropriate display of offensive material may be considered harassment.

- C. This policy forbids the use of any computer to obtain access to the following: confidential information, grades, pin numbers, personal computers, or any computer system on or off campus to which students do not have access. This policy also forbids viewing or using another person's username, password, computer programs, files or data without authorized permission, and/or changing another person's password.
- D. Setting up or attempting to set up an unauthorized server, modifying any computer system or software, or engaging in any activity that would interfere with normal computing operations or networking in any unauthorized manner is prohibited. This would include any use of invasive or malicious software such as: "worms", "viruses", "spyware" and/or "SPAM".
- E. The use of Campus Technology Resources and/or facilities for private monetary gain is prohibited.
- F. Participation in any of the above activities may result in suspension of computer access privileges, College disciplinary action, and criminal or civil prosecution.
- G. The Campus Technology Resources and facilities are for the exclusive use of currently enrolled SUNY Delhi students, faculty and staff.
- H. In accordance with the Digital Millennium Copyright Act, College policy also forbids the copying, distribution, downloading, and uploading of copyrighted materials on any personal or College computer system. These items include, but are not limited to, text (including e-mails and web information), graphics, art, photographs, music, film, and software. Participation in any of the above activities will result in the following action:

1st Violation: Immediate suspension of computer access privileges on the College computer system. Students may appeal for reinstatement of computer privileges within 5 business days of their removal from the system. Appeals must be submitted in writing to the Manager of Systems and Networks in 327 Bush Hall. Upon acceptance of an appeal, computer access will be reinstated.

2nd Violation: Further violations of this policy will result in additional disciplinary action, and may include permanent banning from campus computer systems.

Individuals can be prosecuted for copyright infringement and, if found liable, may face criminal or civil penalties. These penalties may include: paying either actual damages or "statutory" damages of no less than \$50 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

IX. Gambling

In accordance with New York State Penal Law 225.00, gambling, which consists of a person staking or risking something of value upon the outcome of a contest, is prohibited on College property. Offenders will be liable for campus disciplinary and/or civil action.

X. Harassment

No student shall threaten assault, haze or otherwise physically, verbally, or psychologically abuse any other person. This includes, but is not limited to, incidents of bias, acts of assault or abuse, or incidents of verbal, physical, or psychological harassment or abuse. It is a violation of college regulations to engage in harassment, or to retaliate against anyone bringing forth an honestly perceived complaint of harassment.

It is also a violation of college policy to engage in a course of conduct or by repeatedly committing acts, which places a person in reasonable fear of physical injury, such as stalking or unwanted following.

The act of retaliation and/or assisted retaliation against any individual including but not limited to students, college officials, faculty, residence hall staff, University Police, Title IX complainants or witnesses is strictly prohibited.

XI. Bias-Related Harassment

SUNY Delhi does not tolerate harassment based on an individual's race, religion, ethnic origin, gender, sexual orientation or physical condition. The College treats bias related incidents very seriously and any student found responsible for a bias related incident can expect severe disciplinary action (see Appendix 7). Moreover, the College will use its influence to encourage the entire community to treat its students, faculty, staff and visitors in a manner consistent with the principles of this policy. Any bias actions, verbal or physical, that interfere with an individual's personal liberty or that may lead to injury, emotional distress, humiliation or discomfort are prohibited.

XII. Sexual Harassment

Sexual harassment is a form of sexual discrimination, and it is illegal. Sexual harassment is defined as unwelcome verbal or physical sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive environment.

Sexual harassment includes unsolicited and unwelcome contact of a sexual nature. This includes:

- A. Written contact, such as suggestive or obscene letters, notes, invitations, or electronic communication;
- B. Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions;
- C. Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement; and
- D. Gestures or public display of suggestive objects or pictures, cartoons, posters or magazines.

Title IX of the Education Amendments of 1972 reads "no person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance..."

Any individual who believes he or she has been harassed should contact the Office of Student Life where staff members can help the individual explore alternatives available to him/her. The student may also wish to consult someone with special sensitivity or expertise (i.e., Counseling Services) and the Office of Student Life will facilitate a referral to such a person if desired. Both formal and informal grievance procedures are available in these cases.

XIII. Hazing

Hazing is a serious violation of College policy and New York State law. SUNY Delhi policy specifically prohibits students from engaging collectively or individually in illegal practices in connection with initiation into or affiliation with any recognized, unrecognized organization or athletic team. This includes, but is not limited to:

- A. Forced or required participation in physical activities such as calisthenics, exercises or games;
- B. Any form of tattooing or branding;
- C. Forced, coerced or required consumption of alcohol or other drugs;
- D. Any form of physical brutality, including paddling, striking with fists, open hands or objects;
- E. Participation in illegal activities;
- F. Intentional or reckless engagement in conduct which creates a substantial risk of physical injury to another person;
- G. Forced, coerced or required consumption of any food or other substance;
- H. Creation of excessive fatigue or sleep deprivation;
- I. Any act that causes psychological harm, embarrassment, ridicule or emotional distress to any individual; or
- J. Forced or required inappropriate dress, or full or partial nudity in any situation for any reason;
- K. Any violation of approved Greek Council Hazing regulations.

SUNY Delhi will take disciplinary action against any individual, group or organization found to be in violation of this policy.

XIV. Disciplinary Sanctions

The following sanctions may be imposed upon students or organizations by various college officials and/or the Student Conduct Council:

- A. **Reprimand** - Verbal or written notice that student behavior has violated college policy and that the behavior is unacceptable to the campus community.
- B. **Community Service** - The student is assigned a certain number of community service hours to be completed by a reasonable date.

- C. **Social Warning** - Written notice that the student behavior has violated college rules resulting in inclusion of notice in student folder. The College reserves the right to upgrade to College Probation, Deferred Suspension or Suspension if conduct continues to be unacceptable.
- D. **Exclusion from Residence Halls** - Students may be prohibited from entering one, several or all of the residence halls should their behavior warrant such exclusion.
- E. **Removal from College Residence** - The removal, indefinitely or for a designated period of time, of resident students from college residence halls. The student would not be permitted to reside in or enter the residence hall(s) and must find accommodations to reside off-campus. The College reserves this right to revoke the Housing license at any time. The parent/guardian of financially dependent students will be notified of this sanction. Students removed from residence halls for disciplinary reasons will not receive a refund.
- F. **Residence Hall Probation** - Written notice that college rules have been violated and that a further violation of college policy will result in removal from college residence (see item E). This sanction will be issued by length of time (such as six months or one year or “until separation from the institution”). The parent/guardian of financially dependent students will be notified of this sanction.
- G. **College Probation** – This status carries a severe warning that any further violations of College regulations may result in the student going before the Student Conduct Council for consideration of suspension or expulsion. This may include restriction of privileges for a specific period of time (such as six months or one year or “until separation from the institution”). The parent/guardian of financially dependent students will be notified of this sanction.
- H. **Deferred Suspension** - Written notice that college rules have been violated and while the offense could result in suspension, circumstances exist that would mitigate that action. Deferred Suspension implies that:
 - 1. Any further violation of college policy will likely result in the suspension of the student from the College.
 - 2. Deferred suspension is usually set for a period of time such as a semester, an academic year, or until graduation or separation from the College.
 - 3. This sanction will be issued by length of time (such as six months or one year or “until separation from the institution”).
 - 4. The parent/guardian of financially dependent students will be notified of this sanction.
- I. **Interim Suspension** – A student may receive an interim suspension immediately pending a fair hearing, should the Director of Judicial Affairs or the Vice President for Student Life judge that the student’s continued presence would be a danger to him/herself or to others, or would pose an immediate threat of disruptive interference with the normal conduct of functions and activities of the institution. Every effort will be made to convene an appropriate hearing as soon as possible.
- J. **Suspension** - Dismissal from the College and removal from residence (if appropriate) for a period of time with the possibility of readmission. Suspensions are normally immediate, but

may also be delayed until the end of a semester if found to be appropriate. Suspension will be noted on the student transcript. See the Academic Programs and Services Handbook for further information on the effect a suspension will have on semester grades. Students should contact the Financial Aid Office for information on the effect that suspension may have upon their financial aid situation. The parent/guardian of financially dependent students will be notified of this sanction. Suspended students are liable for all tuition and fees.

- K. **Expulsion** - Permanent removal from the College. The individual will never be permitted to apply for readmission to the institution. Expulsion will be noted on the student transcript. See the Academic Programs and Services Handbook for further information on the result an expulsion will have on semester grades. Students should contact the Financial Aid Office for information on the effect that expulsion may have upon their financial aid situation. The parent/guardian of financially dependent students will be notified of this sanction. Expelled students are liable for all tuition and fees.
- L. **Persona Non Grata** - Individuals may be declared Persona Non Grata and would not be permitted to enter or remain on designated college property. Students suspended or who are suspended pending a fair hearing will normally be declared Persona Non Grata.
- M. **Removal of Recognition**- Temporary or permanent removal of recognition of a College sanctioned club or organization.
- N. **Other Sanctions** - As determined by a college judicial body or individual. This could include but is not limited to restrictions upon entering particular buildings and/or participation in certain college sponsored events or activities.
- O. **Discretionary Sanction** – Work assignments, essays, service to the College or community, or other related discretionary assignments.
- P. **Restitution** – Compensation for loss or damage to College or personal property. This may take the form of appropriate service and/or monetary or material replacement.

XV. Parental and Faculty Advisor Notification

The College will notify appropriate college offices (EOP, Athletics, Counseling, Services for Students with Disabilities, Residence Life, University Police, etc.) as well as academic advisors and division deans when students have been placed on Residence Hall Probation, College Probation, Deferred Suspension, Suspension, Expulsion, or when they have been removed from campus residence halls. Parents/guardians of financially dependent students (when that determination can be made) will also be notified regarding the disciplinary sanctions listed. The College also reserves the right to contact parents/guardians in cases of medical or psychological emergencies. Such contacts will be made by the Vice President for Student Life or designee.

XVI. Violation of Law and College Policies

- A. All students are subject to the New York State Penal Law. Any violation of New York State Penal Law, including a charge of violation of the Penal Law, whether occurring on- or off-campus, may be processed as a violation of the *Student Code of Conduct*.
- B. College disciplinary proceedings may be instituted against a student charged with violation of a law, which is also a violation of this Student Code, for example, if both violations result

from the same factual situation, without regard to any off-campus civil or criminal proceedings. Proceedings under this Student Code may be carried out prior to, simultaneously with or following civil or criminal proceedings.

- C. Proceedings under this *Student Code of Conduct* are not subject to challenge simply because civil or criminal proceedings involving the same incident have been dismissed.

XVII. Personal Misconduct not on College Property

The College may discipline a student for acts of personal misconduct that are not committed on College property, if the misconduct undermines the security of the College community or the integrity of the educational process, or where there exists a nexus with campus interests. Such acts include, but are not limited to:

- A. Noise, Alcohol and Marijuana Violations.
- B. Driving While Intoxicated or Ability Impaired.
- C. Assault and/or Battery, including group violence.
- D. Drug Trafficking.
- E. Verbal or Physical Harassment of a student, as defined in section X and XI of this document.
- F. Rape, Sexual Assault or Sexual Harassment, as defined in section XII of this document.
- G. Hazing, as defined in section XIII of this document.
- H. Felony charges of Fraud, Forgery or Counterfeiting.

XVIII. Alcohol and Other Drug Sanctions

College sanctions for alcohol and marijuana violations on and off campus are as follows:

Three Level Alcohol and Marijuana Policy

An alcohol or marijuana violation is defined as any violation of college policy or state law with respect to possession or use of alcohol or marijuana and related paraphernalia including disruptive behavior that results from alcohol or drug use. Students should be aware that their presence in an area where the alcohol and/or marijuana policy is found to be in violation may be held accountable, regardless of their use. Such violations may include possession of small or legally defined violation amounts, the use of marijuana, or being present in a location where marijuana is found. Note that the **sale or distribution or possession of misdemeanor or felony amounts** of the drug will likely result in suspension and are not covered by this policy. These three levels in no way preclude the possibility of arrest by University Police or other police agencies. The following penalties will be imposed after a judgment of or admission of responsibility is made by the Resident Director, Complex Coordinator, or Director of Judicial Affairs when hearing the case.

THE COLLEGE RESERVES THE RIGHT TO PLACE ANY STUDENT ON ANY OF THE FOLLOWING LEVELS AND TO MANDATE ALCOHOL OR DRUG COUNSELING IF IT IS DEEMED TO BE APPROPRIATE.

LEVEL 1, First violation

The student will meet with the Resident Director, Director of Judicial Affairs and/or designee and this three-level policy will be explained. The student will receive written notification of their sanction that may include community service and/or an alternate educational project such as the Decision-Making and Social Responsibility Workshop. Students who violate the alcohol and/or marijuana policy with a prior Level I violation that is no longer active will be assigned to Level I and BASICS (Brief Alcohol Screening and Intervention for College Students.) Students should note that there will be a fee for attendance to BASICS.

LEVEL 2, Second violation

The student will meet with the Resident Director again to discuss the incident. Furthermore, the student will meet with the Director of Judicial Affairs and will be assigned to the REWIND (Rethinking Experiences With Substances, Including New Decision-Making) alcohol and other drug education (AOD) class. This class is sponsored by Counseling Services, and meets at similar times on consecutive weeks. Students are instructed of this requirement verbally and a follow-up letter is sent. Attendance is considered mandatory and any student who does not attend can expect further disciplinary action. **Failure to attend any of the REWIND classes without prior approval will result in permanent removal from the residence halls, in addition to Deferred Suspension. Students should note that there will be a fee for attendance of this class.** In addition, students are placed on **Deferred Suspension** and informed that any other violation of college policy will likely result in their suspension from the institution. The college will contact the parent/guardian of financially dependent students to provide information regarding the violation and this disciplinary situation.

LEVEL 3, Third violation

The third violation will likely result in an administrative suspension from the Director of Judicial Affairs.

XIX. Disciplinary Procedure

The Director of Judicial Affairs, in conjunction with the Vice President for Student Life, is responsible for the consistent application of discipline on-campus. The Residence Life staff is also actively involved in the administration of college discipline. Academic integrity cases will be handled through the procedures outlined in Section XXV.

A. **Time Frame-** All campus investigations and disciplinary cases will be handled in as timely a manner as possible and will be completed within a 60 day time frame except in the case of extraordinary circumstances. An estimated timeline will be communicated to the accused student and to any complainant as necessary.

B. Serious Disciplinary Cases

The Director of Judicial Affairs will investigate such cases and make a recommendation to the Vice President for Student Life for appropriate judicial action. Such action may then require a student to participate in one of the following hearings to determine responsibility and sanctioning. Students facing serious disciplinary charges will receive timely written notice of the charges they are facing, and instructions to contact the College to arrange a hearing date within a reasonable period of time. Students choosing not to respond will be considered to be in a state of default (see C. below). Students who respond, and schedule a hearing date will be expected to attend the scheduled hearing. If a student fails to attend the

scheduled Administrative Hearing or Student Conduct Council Hearing, it will take place in their absence.

1. **Administrative Review Hearing** - The student(s) will participate in a hearing in front of the Director of Judicial Affairs and/or the Vice President for Student Life or his or her designee(s). All available evidence and input from staff and students will be used to make such a decision.

OR

2. **Student Conduct Council Hearing Board** - This disciplinary board will meet to hear and make recommendations in serious disciplinary cases where (1) there is a discrepancy over the actual behavioral incident or (2) where deemed appropriate by the Director of Judicial Affairs or the Vice President for Student Life or designee. In Student Conduct Council hearings involving more than one accused student, the Director of Judicial Affairs, at his or her discretion, may permit the hearing concerning each student to be conducted either separately or jointly. For a more detailed description of the Student Conduct Council, see section XX.

C. **Waiver of Hearing**

Upon admission of responsibility for the violation of college policy, a student may be offered the choice to waive his or her right to a hearing and accept a sanction from the Director of Judicial Affairs or the Vice President for Student Life or designee. A student who so chooses would also waive the right to appeal this sanction (section XIX, item D) and would agree to abide by the decision. The Director of Judicial Affairs, Vice President for Student Life, or designee, and the student must agree to this waiver in writing.

D. **Default**

The failure of a student to respond to written notice of charges and instructions to schedule a hearing date within 30 days will be considered in a state of default, resulting in an administrative hearing of the case in the student's absence.

E. **Appeals**

Students are entitled to a fair review of disciplinary decisions made by Resident Directors, the Complex Coordinator, the Director of Judicial Affairs or the Vice President for Student Life. Such appeals must be based on violations of due process procedure, new evidence or a lack of substantial evidence to support the original decision. Appeals of initial sanctions by the Resident Directors should be directed to the Director of Judicial Affairs, appeals of initial sanctions given by the Director of Judicial Affairs should be directed to the Vice President for Student Life, appeals of initial sanctions given by the Vice President of Student Life and the Student Conduct Council should be directed to the President of the College. **Any appeal must be made in writing, within five (5) business days upon receipt of this original disciplinary decision.**

After receiving notice of the disciplinary hearing decision, both the complainant and accused student, in cases of sexual harassment and sexual violence, may request an appeal within 5 business days upon receipt of the original disciplinary decision. Appeals must be based on violations of due process procedure, new evidence or a lack of substantial evidence to support the original decision. The non-requesting party will receive notice of the appeal and may submit either his or her own appeal or a written response to the requesting party's appeal

within 5 business days of notice. Both the appeal and response will be considered together by the appeals officer. The decision of the appeal officer is final.

F. Restriction on Withdrawals

Students may not be permitted to withdraw from the college to circumvent assumed disciplinary action in pending investigations.

XX. Student Conduct Council Hearing Board

The Student Conduct Council is made up of faculty, staff and students and is charged with hearing and providing recommendations in serious disciplinary cases. To hear a case, the Council will have between five and nine members. The members will be chosen from appointed or volunteer faculty, staff and students, and are provided with all appropriate information upon which to base their recommendations. The Director of Judicial Affairs will coordinate the proceedings, and all recommendations will be given to the Vice President for Student Life.

There shall be a single verbatim record, such as a tape recording, of all Student Conduct Council hearings (not including deliberations). Deliberations shall not be recorded. The entire record of the hearing and all associated materials shall be the property of the College and will not be released.

If a student is to be brought before the Conduct Council, he/she will be notified in writing of the charges and the time and date of the hearing in a timely fashion. Every effort will be made to schedule the Hearing so as not to interfere with the students' or witnesses' academic schedule. However, in such cases where this is unavoidable, the individuals will be required to attend the Hearing.

Students who are charged are required to attend and give testimony to the Student Conduct Council, and may, if desired, ask a reasonable number of witnesses to attend, as well. Such witnesses will be permitted to provide testimony but are not permitted to ask questions. Students may be required to give testimony.

Accused students are entitled to see and review reports and statements that will be used against them in the hearing. Accused students and witnesses must provide written statements to be used in Conduct Council Hearings to the Director of Judicial Affairs 24 hours prior to the hearing.

The accused and complainant in cases involving sexual harassment and/or sexual assault may not directly question or cross-examine each other. Each may submit their questions to the president of the Student Conduct Council who will then be responsible for asking the questions. In cases of sexual harassment or sexual violence, reasonable accommodations will be made so as the complainant can be in a different room from the accused during the hearing process, if requested. These alternative arrangements must not infringe on the rights of the accused. Alternative arrangements must allow both parties and the Student Conduct Council to hear each other.

Accused students and complainants may, if they so desire, have counsel or an advisor (faculty, staff, family member, etc.) present during the actual hearing. Counsel or an advisor may provide support and information to the students, but may not ask questions or provide testimony. Any such information must be voiced through the student.

The Student Conduct Council Hearing Board is not bound by technical rules of evidence, but may

hear or receive testimony that is relevant and will contribute to a full and fair consideration of the charges. The student charged may examine and question all witnesses or staff present at the Hearing. The Adjudicator may cut off any testimony that is deemed inappropriate or irrelevant to the consideration of the charges.

Student(s) shall be found responsible or not responsible based on a preponderance of evidence. Recommendations from the Student Conduct Council Hearing Board will be made in a closed executive session immediately after the actual hearing and will be made on a majority basis. Recommendations will be made to the Vice President for Student Life, who will deliver the decision and sanctions to the student in writing within 48 hours. Complainants of sexual harassment or sexual violence have the right to be notified in writing of the disciplinary outcome or sanction imposed on an accused student when the sanction directly relates to the complainant. The complainant and accused shall be notified concurrently in writing within two business days.

If a student fails to attend the scheduled Conduct Council hearing, the hearing will take place nonetheless.

XXI. Privacy

College Officials (including Resident Assistants) may enter a student room without prior notification to determine compliance with federal, state and local laws and ordinances, and college policies when there is reasonable cause to believe that a violation has occurred or is occurring. College staff may also enter student rooms without notice to make inspections for reasons of health and safety. In addition, College officials may enter student rooms after students vacate the residence halls prior to scheduled college closings to determine damage and compliance with safety and other college regulations.

XXII. Off-Campus Addresses

All students living off campus are required to notify the College of their off-campus addresses and phone numbers by September 15 of the fall semester or February 15 of the spring semester immediately thereafter following any moves. Students should update their addresses on the Web or by completing a form in the Registrar's Office. Failure to abide by this regulation will result in holds being placed on a student's account.

XXIII. College Communications

All SUNY Delhi students are required to check their SUNY Delhi mailboxes in Farrell, campus email, and campus voicemail to regularly stay informed about college policies and updates, important information and notifications from various college departments.

XXIV. College Visitors

All College visitors are expected to abide by College policies and may be removed or banned from college property for failure to abide by college policy.

XXV. Academic Integrity Policy

If a faculty member discovers that a student has committed an academic integrity violation that warrants a sanction beyond a verbal warning, the following process will likely be followed.

HOWEVER, THE COLLEGE RESERVES THE RIGHT TO PLACE A STUDENT ON ANY OF THE FOLLOWING LEVELS GIVEN THE SEVERITY OF THE VIOLATION.

A. FIRST VIOLATION: The faculty member will discuss the situation with the student, explaining the nature of the violation, and the nature of the sanction, or sanctions, to be applied as per the course policy. The faculty member will also discuss the potential consequences of further violations. This discussion should be documented. If the faculty member imposes a sanction as per course policy, the incident **MUST** be reported to the Director of Academic Advisement and Early Warning via the early warning system. The report must include the details of the offense, the sanction given, failure of the assignment, etc., and the nature of supporting evidence, hard copies of which must be forwarded to the Director of Academic Advisement and Early Warning when possible.

In response to the **FIRST** violation, the Director of Academic Advisement and Early Warning will likely:

1. Place details of the violation in a file prepared for that student.
2. Communicate the violation, consequences for further violations, and the appeal process for the current violation to the student via letter.
3. Communicate the violation to the Director of Judicial Affairs for cross referencing with any student life violations on record for that student.

B. SECOND VIOLATION: Will be discussed with the student and reported to the Director of Academic Advisement and Early Warning in the same manner as the first violation.

In response to a **SECOND** violation the Director of Academic Advisement and Early Warning will likely:

1. Place details of the violation in the student's file.
2. Communicate the second violation to the Director of Judicial Affairs.

In response to the second violation the Director of Judicial Affairs will likely:

1. Place the student on **DEFERRED SUSPENSION**, and so communicate in writing to the student.
2. Communicate the violation and sanction to the parents/guardians of financially dependent students in writing.

C. THIRD VIOLATION: Will be discussed with the student and reported to the Director of Academic Advisement and Early Warning in the same manner as the first violation.

In response to the **THIRD** violation the Director of Academic Advisement and Early Warning will likely:

1. Place details of the violation in the student's file.
2. Communicate the violation to the Director of Judicial Affairs.

In response to the third violation the Director of Judicial Affairs will likely:

1. Convene a STUDENT CONDUCT COUNCIL hearing, according to established guidelines (Section XX.), to determine responsibility for the current violation. If found responsible, the student will be SUSPENDED or EXPELLED from the college.
2. Communicate a summary of the hearing to the College Provost.

In response to the findings of the Student Conduct Council the College Provost will inform the student in writing of the determination of the Student Conduct Council, indicating that a final appeal of that determination can be made to the College President. (Section XIXD.)

D. APPEAL PROCESS: At any step, the student may appeal a decision.

1. Appeal of first and second violation sanctions can be made to the Dean of the division through which the course is offered, and then to the College Provost who will render the final decision.
2. Appeal of Student Conduct Council Hearing sanctions can be made to the College President, who will render the final decision.

XXVI. Rules for Maintenance of Public Order

The SUNY Delhi *Student Code of Conduct and Behavior*, is in addition to, the *Rules for Maintenance of the Public Order on the Premises of the State-operated Institutions of the State University of New York*, which is on file in the Vice President for Student Life Office. The College reserves the right to decide on appropriate disciplinary action based on either of these documents.

XXVII. Definition of Terms:

A. The term “college” refers to the State University of New York College of Technology at Delhi.

B. The term “student” includes all persons taking courses at the State University of New York College of Technology at Delhi, both full- and part-time, pursuing undergraduate studies and those who attend other institutions who reside in college residence halls. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the College are considered to be students.

C. The term “faculty” refers to any person hired by the College to conduct classroom activities.

D. The term “college official” or “college staff” refers to any person hired by the College to perform assigned administrative or professional responsibilities.

E. The term “college property” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the State University of New York College of Technology at Delhi, the College Foundation, or the College Association at Delhi, Incorporated, including adjacent streets and sidewalks.

F. The term “organization” refers to any number of persons who have complied with the formal requirements for college recognition.

G. The term “financially dependent student” refers to all students age 24 or younger at SUNY Delhi who are claimed as a dependant on their parent(s) or guardian(s) Federal or State Income Tax.

H. The term “accused student” refers to any student accused of violating the Student Code of Conduct.

I. The term “complainant” refers to any individual who submits a statement alleging that a student violated the Student Code of Conduct.

J. The term “consent” is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity does not automatically imply consent to any other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual acts. Lack of consent may also exist when the victim is unable to give consent, due to mental or physical incapacities (including the use of alcohol or drugs) or age.

K. The term “force” is the use of physical violence and/or physically imposing on an individual to gain sexual access. Force also includes threats, intimidation and coercion that overcome resistance or produce consent.

L. The term “non-consensual sexual contact” is any intentional sexual touching, however slight, with any object, by any individual upon another individual that is without consent and/or by force.

M. The term “non-consensual sexual intercourse” is any sexual intercourse, however slight, with any object, by any individual upon another individual that is without consent and/or by force.

N. The term “sex discrimination” includes all forms of: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties against employees, students, or third parties. Students, college employees, and third parties are prohibited from harassing other students and/ or employees whether or not the incidents of harassment occur on the College campus and whether or not the incidents occur during working hours.

O. The term “sexual exploitation” occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not constitute as another sexual misconduct offense.

P. The term “sexual violence” refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent, including, but not limited to rape, sexual battery, and sexual coercion.