

**State University of New York
College at Oneonta
Oneonta, NY 13820**

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Campus Safety Report

In compliance with a federal law, The Jeanne Clery, Title II “Campus Crime Awareness and Campus Security Act,” the SUNY College at Oneonta provides reports about campus safety and security programs, incidents of crime on campus, and information regarding registered sex offenders. Copies of the campus safety and crime reports are available in the following locations:

- Admissions Office, Alumni Hall, State University of New York College at Oneonta, Oneonta, New York, 13820;
- Division of Student Development Office, 119 Netzer Administration Building;
- University Police Department, Alumni Hall, State University of New York College at Oneonta, New York, 13820;
- At our University Police website, <http://www.oneonta.edu/admin/police/>, at the tab labeled Campus Crime Report.

Information concerning registered sex offenders is transmitted to the campus by the New York State Department of Criminal Justice Services (DCJS) and may be obtained from the Chief of Police, c/o University Police Department, and on the University Police website.

Portions of this code of conduct have been reviewed by Brett Sokolow from the National Center for Higher Education Risk Management www.ncherp.org. Some of the language may be proprietary and copyrighted. It is licensed to the College at Oneonta for its use and publication. All other uses and copying are prohibited without express permission from NCHERM.

COLLEGE REGULATIONS

PURPOSE

Academic institutions exist for the pursuit and transmission of knowledge, the development of students, and to further our society as a whole. The College at Oneonta is a community of faculty, students, and staff whose mission is to foster the individual student's intellectual, personal, cultural, and ethical development. Free inquiry and expression are essential elements in achieving these goals. To maintain a responsible living and learning environment that is conducive to our educational and developmental endeavors the College has established, and enforces, the regulations and policies contained in our Code of Student Conduct. The College believes that every student should accept the consequences of his/her actions. To this end the College supports the concept of educational discipline and will make an effort to educate a student through the imposition of sanctions that are applicable to the student's situation and violation.

REFERRALS

Any member of the college community may initiate a complaint against any student for misconduct. The complaint shall be submitted in writing to the Director of Judicial Affairs. In cases alleging a violation of Residential and Community Life regulations or alleged violations of the Residence hall license the complaint should be submitted to a Residential Life staff member, who in turn, will submit the complaint or completed case to the Office of Judicial Affairs.

PENDING CRIMINAL OR CIVIL ACTION

Student conduct proceedings and actions are not subject to challenge or postponement on the grounds that criminal or civil charges involving the same incident have been dismissed, reduced, or may be pending in civil or criminal court.

STANDARD OF PROOF

Student conduct cases will be decided on the burden of proof standard of a preponderance of the evidence. In other words, the determination will be made on the basis of whether it is "more likely than not" that a referred student violated the Code of Student Conduct.

PARENTAL NOTIFICATION

The College may notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or drug policy violations. The College will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The College also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Education Rights and Privacy Act.

NOTIFICATION OF OUTCOMES

The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release under a federal law, FERPA. However, this College observes the legal exceptions as follows:

- Complainants in non-consensual sexual contact/intercourse incidents have an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation.

CODE OF STUDENT CONDUCT

State University of New York College at Oneonta

ARTICLE I: DEFINITIONS

1. The term College means The State University College at Oneonta.
2. The term “student” includes all persons taking courses at the College, both full time and part time, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than The State University College at Oneonta and 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 “students.”
3. The term “faculty member” means any person hired by the College to conduct classroom activities.
4. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by the College. The Vice President for Student Development shall determine a person’s status in a particular situation.
6. The term “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).
7. The term “organization” means any number of persons who have complied with the formal requirements for College recognition.
8. The term “judicial conduct body” means any person or persons authorized by the Vice President for Student Development, to determine whether a student has violated the Student Code and to recommend imposition of sanctions.
9. The term “Judicial Conduct Officer” means a College official authorized on a case by case basis by the Vice President for Student Development to impose sanctions upon students found to have violated the Student Code. The Vice President for Student Development may authorize a Judicial Conduct Officer to serve simultaneously as a Judicial Conduct Officer and the sole member or one of the members of a judicial conduct body. Nothing shall prevent the Vice President for Student Development from authorizing the same Judicial Conduct Officer to impose sanctions in all cases.
10. The term “Appellate Officer” means any person or persons authorized by the Vice President for Student Development to consider an appeal from a judicial conduct officer/body’s determination that a student has violated the Student Code or from the sanctions imposed by the Judicial Conduct Officer.
11. The term “shall” is used in the imperative sense.
12. The term “may” is used in the permissive sense.
13. The Vice President for Student Development is that person designated by the College President to be responsible for the administration of the Student Code.
14. The term “policy” is defined as the written regulations of the College as found in, but not limited to, the Student Code, Residence Life License and Graduate/Undergraduate Catalogs.
15. The term “cheating” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.
16. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

ARTICLE II: STUDENT CONDUCT CODE

1. MISSION

As consistent with the aims of the Mission of the College and as citizens of the community of Oneonta, students are expected to improve the society in which they live and become productive members of that society. The standards set forth in the Code of Student Conduct are meant to embody the mission of the college. Therefore, any student whose behavior, on or off campus, seriously compromises our mission or endangers the lives, property, or physical welfare of members of the college community, will be referred to the conduct process for appropriate action.

2. ACADEMIC INTEGRITY

Importance of Academic Integrity

The academic activities of the College, which contribute to the fulfillment of the College mission, are dependent upon the honest and open communication of ideas among students and faculty. Fundamental to academic integrity is a genuine respect for knowledge and intellectual inquiry. The academic community cannot thrive when these principles have been compromised by any of its members; therefore, this policy specifies the procedures to be implemented in cases where violations are suspected.

Violations of Academic Integrity: Academic Dishonesty

Academic dishonesty is defined as any act by a student that misrepresents or attempts to misrepresent to an instructor or any College official, the proficiency or achievement of that student or another student in any academic exercise, or that is intended to alter any record of a student's academic performance by unauthorized means.

A student deemed guilty of an act of academic dishonesty may, depending on the nature of the offense, be subject to one or more of the following measures: failure of the assignment or examination, failure of the course, or dismissal from the College. Depending upon the severity of the violation, as determined by the College's Office of Judicial Affairs, the student may be referred to the Standing Disciplinary Board. Second offenses will result in a mandatory referral of the case to the Standing Disciplinary Board, or, if the Board cannot be convened in a timely manner, the Director of Judicial Affairs will hear the case. The penalties that may be assessed by the Board are listed under the Procedures of the Standing Disciplinary Board as published in this publication; however, the normal penalty is suspension or dismissal.

It is the student's responsibility to read and understand the policy on all aspects of academic integrity as published in this publication and the Catalog. However, individual faculty members may wish to explain the policy as it relates to their courses. It is emphasized that students who have any questions about what constitutes a violation of academic integrity have the responsibility of clarifying them by conferring with their instructor(s).

Examples of Academic Dishonesty

The following examples, although not all-inclusive, are intended to help students understand what constitutes academic dishonesty. Other acts should not necessarily be considered as falling outside the scope of this policy because of their absence from this list.

Cheating

- Unauthorized giving or receiving of information on an examination, laboratory procedure, or other exercise
- Taking an examination for another student or allowing another student to take an examination for you

Plagiarism

- Using materials (either specific words or unique ideas) from another person's work without acknowledgment
- Using quotations without identification as such or paraphrasing without specific identification of the source
- Copying and/or modifying another person's computer file, program, printout, or portion thereof for use in an assignment without permission of the instructor*
- Knowingly permitting one's computer file, program, printout, or portion thereof to be copied or modified by another student for use in an assignment without permission of the instructor

Other Infractions

- Altering or attempting to alter a grade on any piece of graded work, a grade written in an instructor's personal records, or a grade written on any College form or transcribed in any official College record
- Falsifying, or attempting to falsify, data pertinent to academic requirements
- Contributing to another student's work, or receiving contributions from another student, when the instructor has specified that collaboration is inappropriate

Re-use of Own Work

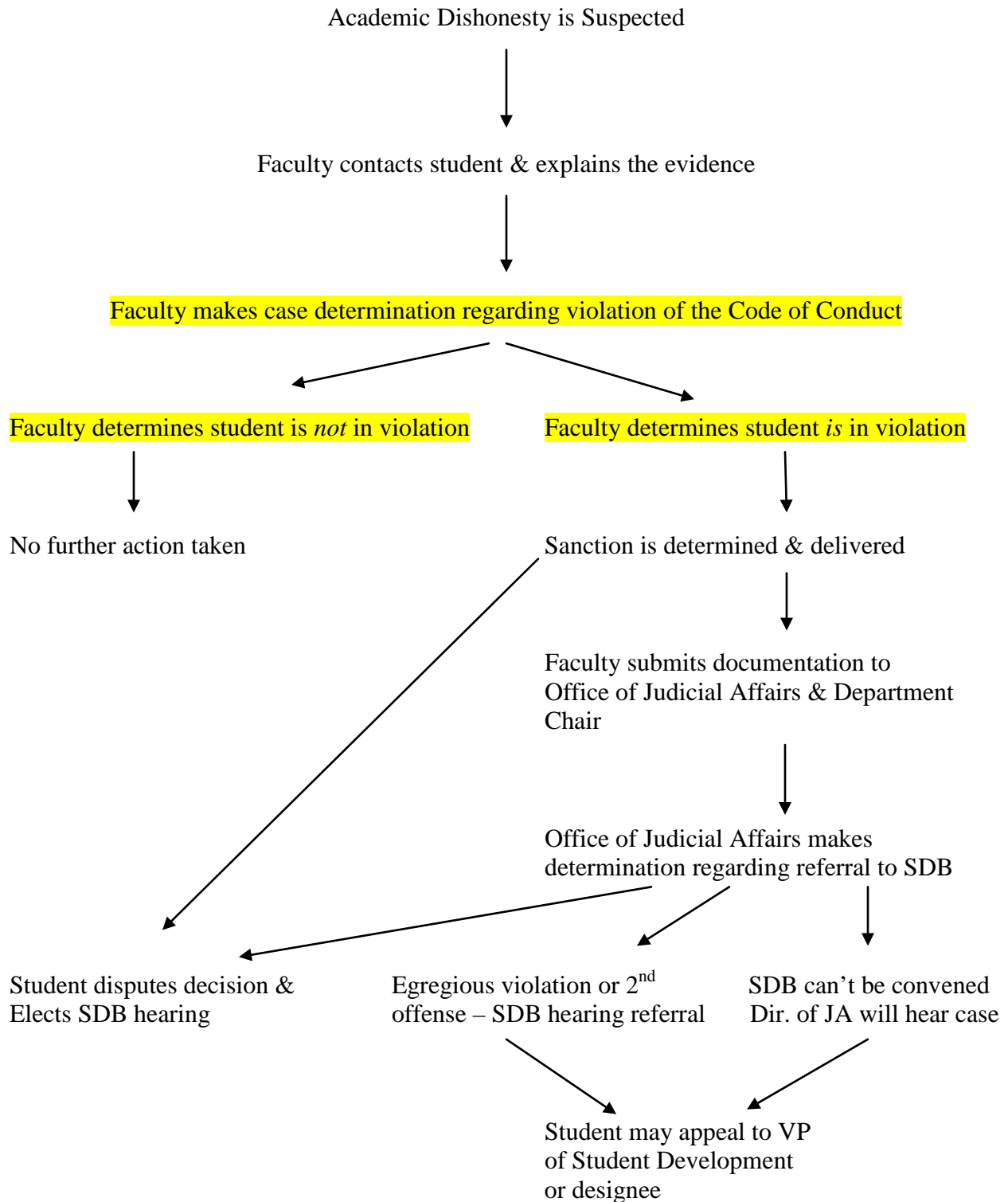
- Students who wish to submit the same paper or report for two different classes (in the same or different semesters) should consult with their instructors prior to submitting the paper or report as to whether this is acceptable.
- Students repeating a class who wish to submit their own previously written work should first consult with their instructor.

** Unauthorized use of another person's computer user code may not necessarily be regarded as academic dishonesty. It is, nevertheless, a misuse of College property, perhaps theft, and will be dealt with under the provisions of the College Regulations as specified in this publication.*

Procedures to be Followed When Academic Dishonesty is Suspected

- When academic dishonesty is suspected, the faculty member should discuss the evidence with the student, explaining why such evidence brings the student into suspicion of violating this policy and advising the student of the actions to be carried out as outlined in this policy.
- The faculty member may assign a grade of "E" for an assignment, for an activity, or for the course if he/she has a preponderance of evidence that the student is guilty of academic dishonesty in connection with this work. These instances of academic dishonesty, and the action taken, should be reported to the Office of Judicial Affairs, with a copy to the department chair. A form for reporting violations of academic integrity is available in the Office of Judicial Affairs.
- If, in the judgment of the Office of Judicial Affairs, the nature of the case warrants it, or if it is a second offense, the case will be referred to the Standing Disciplinary Board of the College (see next section of this publication). The student may appeal any action taken by

either the Office of Judicial Affairs or the Standing Disciplinary Board to the Vice President for Student Development or his/her designee.



Faculty Responsibilities

- Faculty members who encounter acts of academic dishonesty should report them in writing (preferably using the form) to the Office of Judicial Affairs with a copy of the report to the department chair. Faculty may choose to consult with the Director of Judicial Affairs at any point in the process to discuss the nature of the offense and its appropriate sanction. It is important to report cases of academic dishonesty to the Office of Judicial Affairs because it is the clearinghouse for such records and therefore is the entity most likely to have broad knowledge regarding a student's prior and concurrent offenses.
- Faculty should include a copy of the course syllabus with the report to the Office of Judicial Affairs.
- Faculty are encouraged to use discretion in distinguishing between inadvertent violations and more egregious forms of academic dishonesty.
- Whenever possible, the faculty member should impound the evidence of suspected dishonesty. If necessary, photocopies can be made in the Registrar's Office. Such evidence will not be returned to the student, but will be kept in the confidential files in the Student Development Office.
- The faculty member should obtain such signed statements from students and other faculty as may be necessary to complete the documentation. The statements will be kept in the confidential files of the Student Development Office.
- If a student admits to an act of dishonesty, the faculty member should obtain a statement to that effect signed by the student. The statement will be kept in the confidential files in the Student Development Office.
- Failure by the faculty member to execute any of these responsibilities will not constitute grounds for dismissal of charges against a student.

Student Responsibilities

Students are expected to be familiar with this policy. Ignorance of this policy does not necessarily exempt a student from charges of, and penalties for, violations of this policy. For example, students who are not aware of the citation rules for their discipline may still be charged with plagiarism if those citation rules have been violated.

Students are expected to make every effort to attend meetings in which they have been implicated with a violation of academic integrity. If a second meeting must be scheduled due to a student's absence at an earlier meeting, the student's guilt or innocence in the case may be determined at the second meeting even though the student is not present.

Students are encouraged to notify the instructor if they observe an act of academic dishonesty. If a student reports such an incident, the instructor shall be obligated to pursue the matter as indicated above. If, in the opinion of the student who has reported the incident, the instructor has not fulfilled his/her responsibilities in this matter, that student may confer with one or more of the following:

- the department chairperson,
- the student grievance committee of that department,
- the appropriate academic dean,
- the Office of Judicial Affairs staff.

Additionally, the student may request a review in writing to the Subcommittee on Student Academic Grievances.

Disputes

- A student who disputes a charge of academic dishonesty by a faculty member may request to have his/her case heard by the Standing Disciplinary Board. This request should be submitted in writing to the Office of Judicial Affairs within five (5) business days of the date upon which the faculty member explained the evidence of the violation to the student.
- In cases where the student disputes a charge of academic dishonesty, the Office of Judicial Affairs will be responsible for the investigation of the case.
- In cases of dispute, the appropriate academic dean should be consulted by the Office of Judicial Affairs, or he/she may enter the case on his/her own initiative.

3. ALCOHOL AND DRUGS

Possession, use, and/or distribution of illegal drugs, alcohol and/or prescription medication not prescribed for you is prohibited.

4. ASSAULT/RECKLESS ENDANGERMENT

No person shall intentionally or recklessly cause physical injury or impairment or bodily harm to any member of the College community, or any person who is on campus for a legitimate purpose. No person shall recklessly engage in conduct that creates a substantial risk of serious injury to another person.

5. COMPUTER USE

- a. No student shall use or allow any person to use an ID and/or password that does not belong to them, create access into the computing network in such a way that will bypass University security systems, attempt unauthorized access and use of other computing resources or data, violate software licenses or copyrights while using University equipment/network, or use computing services in any way which may violate federal, state, or local law.
- b. No student shall send abusive, obscene, or threatening messages by use of computing facilities and services; attempt to read, delete, copy, or modify electronic mail or files of others without authorization; falsify the identity of the source of electronic mail messages; or send, without official college authorization, for-profit messages, chain letters, or other unsolicited material.
- c. 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 disciplinary action.

The following documents are available from the campus home page at <http://policies.oneonta.edu/> and explain the campus expectations regarding the use of campus information technology in detail. Any alleged violations of these policies or agreements will be referred to the conduct process for appropriate action.

Policy for Use of Campus Information Technology
User Code Agreement

Policy on Privacy and Use of Computer User Accounts and Electronic Mail
General Guidelines for College at Oneonta World Wide Web Pages
Digital Millennium Copyright Act Information

Students are cautioned that behavior conducted online can subject them to college conduct action, such as harassment delivered by email. Students must also be aware that blogs, WebPages, myspace.com homepages, Facebook entries and similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations, if evidence of a policy violation is posted online. The college does not monitor internet sites for this information, but will take action if and when such information is brought to the attention of college officials.

6. CRIME

Any student, who has been charged, by a law enforcement agency, with any crime, on or off campus, other than a traffic infraction will be referred to the College Judicial System.

7. DEMONSTRATIONS

Our constitution and our courts guarantee the right to dissent. The College is one institution within our society where this right is not only fundamental, but also essential. The right may be exercised by the use of written or spoken words, by acts such as picketing and by “peaceable” mass assembly and demonstrations, subject to reasonable College regulations on time, place and manner of such activity.

The First Amendment protects the right to assemble and to petition, but it requires that the right be peaceably exercised. The College will not tolerate the deliberate disruption of the work or movement of others nor will it condone violence or physical interference with the facilities or functions of the campus. If protestors (or anti-protestors) resort to the use of violence or physical interference, College officials may, without delay, invoke the use of legitimate authority to remove all violators.

The goal of the College is to provide the best possible educational environment. An essential part of this commitment is the necessity to maintain genuine academic freedom and to preserve the right of all members of this community to question, debate, criticize, and dissent peaceably.

These cannot be preserved in the presence of force and violence or the threat of force and violence that interferes with or obstructs the work and activity of other members of the College community. [See the Trustees Rules for the Maintenance of Public Order] Therefore, the College prohibits:

- a. Unauthorized occupation of College facilities; or
- b. Violent conduct or the threat of violent conduct that obstructs or disrupts College activity will result in immediate steps to impose appropriate disciplinary action, including possible expulsion, under established procedures, on any student who engages in conduct that unreasonably interferes with the freedom of movement of persons on this campus or with the normal functions of the College;
- c. The use of amplifying equipment in the academic quad is prohibited when classes are in session, unless approved by the Vice President for Student Development or his/her designee.

8. DISORDERLY CONDUCT/HARASSMENT/ABUSIVE BEHAVIOR

No person shall engage in any disorderly behavior with intent to disrupt the College’s academic

environment or the provision of college services. No person shall recklessly create a public inconvenience or disturbance or a risk thereof. Prohibited behavior includes, but is not limited to, fighting, making unreasonable noise, using abusive or obscene language or gesture in a public place, disturbing a lawful meeting, obstructing pedestrian or vehicle traffic, or creating a hazardous or physically offensive situation by an act which serves no legitimate purpose. Harassment, threats, or verbal and/or physical abuse is prohibited.

9. DISRUPTIVE CLASSROOM BEHAVIOR

Instructors have a responsibility to maintain an effective learning situation in their classrooms and to deal promptly with any disruptions that interfere with the learning situation. The instructor is in charge of his/her classroom. If he/she feels that a student is interfering with the right of other students to profit from attendance in that classroom or if he/she feels that he/she is being unreasonably hindered in the presentation of subject matter, the instructor has every right to eject the offending student from the class and/or notify the Student Development Office of the student's behavior. Either course of action should be taken with discretion and only for reasonable cause.

If a student is ejected from the class, it may be for that class period only and the instructor will immediately submit a written report of the incident to the Student Development Office and a copy to the student and the appropriate academic dean. (If the incident involves physical violence, a report should also be made to the University Police.) Upon receipt of the report, the Director of Student Judicial Conduct Affairs will immediately schedule an interview with the student to discuss the incident. Any subsequent incident reported to the Vice President for Student Development involving the same student in any class will result in administrative action by the Student Development Office and possible referral to the Standing Disciplinary Board of the College. The consequences of such action may include denying the student further access to the class or other disciplinary action, including dismissal from the college.

10. FAILURE TO COMPLY

Failure to comply with reasonable and lawful requests or directives of College officials or law enforcement officers acting in performance of their duties and/or interference with faculty, staff, or student staff acting in the performance of their official duties will result in disciplinary action.

11. FALSE ADMISSION APPLICATION

Applications for admission to any SUNY institution require disclosure of all previous college attendance. In cases where students are found not to have declared all such attendance, the Committee on Student Progress and Status will review the record. If the Committee decides that there is ground for disciplinary action, the complaint will be referred to Student Development for action by the Standing Disciplinary Board. If the student is found to have falsified the application after a hearing, the sanction may be immediate dismissal from the College.

12. FALSIFICATION OF INFORMATION

Furnishing false or misleading information to the College or other similar forms of dishonesty in College regulated affairs, including knowingly making false oral or written statements to any College official or hearing body, will result in disciplinary action. Forgery, alteration, or misuse of University documents, records or identification, such as possessing a forged instrument, is prohibited.

13. HAZING

No person, either singly or in concert with others, shall for the purpose of initiation into or affiliation with any organization or group, recklessly or intentionally take any action or create or participate in the creation of any situation that endangers the mental or physical health of another person. This includes, but is not limited to:

- physical abuse (on or off campus), including but not limited to paddling, slapping, kicking, choking, scratching, exposure to extreme (i.e. cold or hot) temperatures, the consumption of disgusting and/or dangerous concoctions or the forced consumption of alcohol and/or drugs (legal or illegal), other liquids, food or condiments;
- Causing excessive mental stress, including but not limited to placing prospective members of an organization or group in ambiguous situations which lead to confusion and emotional stress, embarrassment, humiliation, harassment, ridicule, and/or sleep deprivation;
- Verbal abuse, including but not limited to shouting, screaming or use of derogatory, profane, or obscene language; or
- Subservience, including but not limited to any activity which promotes a class system within organizations or activities which facilitate inappropriate levels of authority over students. For example, forcing persons seeking membership or affiliation to serve meals to, clean for, or carry items for any veteran or full member of the group.

This list is not meant to be exhaustive. Any student or organization found to be involved in any type of hazing activity will face conduct action. The possible outcomes span the full range of sanctions, including dismissal from the college. Violation of this policy exists irrespective of the voluntary or consensual participation in the hazing activity by the person(s) being hazed.

14. HEALTH

Students may be dismissed from the College when they have a health condition that may endanger the health of other students or themselves. See the policy on involuntary medical withdrawal on pgs. 24-25.

15. IDENTIFICATION

Failure to show proper student identification or other identification to any faculty, staff, or student staff in the performance of their official duties will result in disciplinary action. All students are required to carry their identification with them at all times.

16. LIBRARY

The library is a place for study, research and instruction. Reasonable standards of conduct are expected in order to reflect the educational purpose of the college, to protect the rights of library users and to safeguard college property. The library staff is empowered to assure compliance with regulations supporting the appropriate use of the library. The following behaviors are prohibited: disruption or prevention of regular library activities; the unauthorized removal, defacing, mutilating or theft of library materials; damaging the library building, its furnishings, or equipment; and, smoking in any part of the library building. Students who violate these guidelines are subject to college disciplinary action and criminal prosecution where appropriate.

17. MISUSE/DESTRUCTION OF PROPERTY

Misuse of any property belonging to the College or in the possession of the College may result in dismissal from the College. Dismissal shall not preclude the necessity for repair or replacement of such property. Library materials, animal and plant materials, etc. shall be considered College property. Furnishings, fixtures, equipment, and supplies of College buildings and buildings leased from the Dormitory Authority shall also be considered College property.

18. ORDINANCES

Any student charged, by a law enforcement agency, with more than one violation of any Ordinance(s) of the City or Town of Oneonta, excluding parking ordinances, will be referred to the College Judicial System.

19. RESIDENCE HALL LICENSE

Students living on campus or visiting a residence hall are required to comply with all policies and procedures as outlined in the Residence Hall License. You may find the Residence Hall License by going to <http://www.oneonta.edu/development/reslife/>

20. SEXUAL MISCONDUCT

The College believes in fostering a safe and caring environment, conducive to intellectual, personal, and civic development. All members of the community and visitors have the right to be free from sexual violence and should conduct themselves in a manner that does not infringe upon the rights of others.

Sexual Misconduct offenses will include, but are not limited to:

Non-Consensual Sexual Intercourse (or attempts to commit same)

Non-Consensual Sexual Contact (or attempts to commit same)

Sexual Exploitation

Sexual Harassment

Non-Consensual Sexual Intercourse

For the purposes of this policy Non-Consensual Sexual Intercourse is defined as any sexual intercourse, penetration, or oral copulation (anal, oral, or vaginal) however slight, with any object, without effective consent. This may include, but is not limited to, physical sexual violence such as sexual assault or sexual battery.

Non-Consensual Sexual Contact

For the purposes of this policy Non-Consensual Sexual Contact is defined as any intentional sexual touching, however slight, with any object, without effective consent. This may include, but is not limited to, sexual battery or sexual coercion.

Sexual Exploitation

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own benefit, or to benefit anyone other than the person being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Prostituting another student;

- non-consensual video or audio taping of sexual activity;
- going beyond the boundaries of consent (such as letting others hide in order to watch consensual sexual activity)
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another student;
- invasion of sexual privacy;
- exposing one's genitals or inducing another to expose their genitals in non-consensual circumstances.

Sexual Harassment

For the purposes of this policy Sexual Harassment is defined as any gender-based verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creates an intimidating, hostile, or offensive working or educational environment.

Two Types of Sexual Harassment

A. Hostile Environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently offensive so that it alters the conditions of education or employment, from both a subjective (the victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:

- the frequency of the conduct;
- the nature and severity of the conduct;
- whether the conduct was physically threatening;
- whether the conduct was humiliating;
- the effect of the conduct on the alleged victim's mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct;
- whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
- whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness; or
- whether the speech or conduct deserves the protections of academic freedom.

B. Quid pro quo (this for that) sexual harassment exists when there are:

- 1) unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
- 2) submission to or rejection of such conduct results in adverse educational or employment action.

Persons accused of sexual misconduct will be subject to disciplinary action in accordance with College policies and procedures. At the discretion of the College, persons accused of sexual misconduct may be immediately suspended or restricted from campus pending final disposition of any disciplinary proceedings. Individuals found to be in violation of the sexual misconduct policy in any way will be subject to sanctions, up to and including dismissal from the College.

Consent: Effective consent is active, not passive. Consent may not be inferred from silence or passivity. A current or previous relationship is not sufficient to constitute consent. Consent may be withdrawn at any time, by either person. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. In order to be effective, consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. In order to give effective consent, one must be of legal age.

Effective consent cannot be given by someone who is mentally or physically incapacitated. Any time sexual activity takes place between individuals those individuals must be capable of controlling their physical actions and be capable of making rational, reasonable decisions about their behavior.

This policy also protects those individuals whose incapacity results from mental disability, sleep, unconsciousness, intoxication, involuntary physical restraint, or from the taking of a so-called “date-rape” drug. Possession, use and/or distribution of any of these substances, including, but not limited to, Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purposes of inducing incapacity is a violation of this policy.

Procedures for Addressing Sexual Misconduct

Where there is reasonable cause to believe the College’s regulations prohibiting sexual misconduct have been violated, the College will expedite strong judicial action through its own channels and will not defer to the criminal courts. An individual accused of sexual misconduct will be subject to College judicial procedures, whether or not prosecution under New York State Criminal Statutes is pending. During the judicial process, the rights of the accused student are as described under the *Due Process Procedure of the College Judicial System* section of this Code. These rights will be reviewed with the accused student prior to the hearing by the Director of Judicial Affairs or his/her designee.

The College will make every effort to be responsive and sensitive to the victims of these serious crimes. Assistance for any personal or academic concerns, such as modification of living arrangements or class schedule, will be reviewed and options provided.

The College will protect the privacy of all parties to a complaint or other report of sexual misconduct to the extent possible. When the College receives complaints of sexual misconduct an obligation exists to respond in a way that limits the effects of the sexual misconduct and prevents its recurrence. Information will be shared as necessary in the course of an investigation with people who need to know, such as investigators, witnesses, the victim, and the accused. If you are the victim of sexual misconduct and are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. Staff members at certain resources are obligated by law to maintain confidentiality, including the Counseling Center staff on-campus and the local rape crisis center off-campus. Contact information for both of those facilities is contained in the “Information and Assistance” section of this policy below.

Once a complaint is received by the Office of Judicial Affairs, a full investigation of the

complaint will ensue. The investigation will be completed within 10 business days of receipt of the complaint. The next step is to hold a hearing in order to adjudicate the complaint. If a hearing will not be held for any reason, the victim will be notified at this point. The hearing, if held, will occur within 10 business days after completing the investigation. Both the accused student and the victim will receive notice of the outcome of the hearing concurrently, within 5 business days after the hearing is completed.

If extraordinary circumstances prevent any step from occurring within the stated time frame or if there are unanticipated delays (school breaks, inclement weather, witness or hearing board members are unavailable) all parties will be notified and will be given an estimated time for the step to occur.

Appeal process for **Sexual Misconduct** cases: After receiving notice of the hearing outcome either party can request an appeal, in writing, within 5 business days based on the following grounds:

1. A procedural error so substantial that it affected the fundamental fairness of the hearing.
2. Significant information, unavailable during the original hearing that could be outcome determinative.
3. The sanction imposed was arbitrary or grossly disproportionate to the severity of the offense.
4. The decision does not accord with the information or evidence presented.

The non-requesting party will receive notice of the appeal and may submit his/her own written response to the appellate officer within 5 business days. All material submitted will be considered together and a decision will be communicated to both parties within 5 business days. The decision of the appellate officer is final.

During the judicial process, special provisions and rights apply to the victims of Sexual Misconduct as follows:

Attempted Violations. In most circumstances, the College will treat attempts to commit sexual misconduct (consistent with our policy for any violation of the Code of Student Conduct) as if those attempts had been completed.

Notice of When Complaint is Delivered to Accused Student. Victims are notified as to when notice of the complaint is delivered to the accused student so as to protect themselves from potential retaliation.

Right to a Closed Hearing. All hearings are closed to the public. However, for sensitive issues, such as stalking, violence, and sexual misconduct, hearings will not only be closed to the public, but in addition, only those who have a legitimate reason to be present will be permitted.

Advisor. All parties to sexual misconduct complaints have the right to an advisor.

Sexual History/Character. All parties to a complaint of sexual misconduct have a right not to face questions or discussion of their sexual history or character unless the hearing chair or administrative hearing officer determines that such information is highly relevant to determining whether a policy has been violated or not.

Separate Testimony Options. Any victim can request to give their testimony via means other than being in the physical presence of the person they have accused.

Right to be present for Entire Proceeding. Each party has the right to be present for all testimony and questioning. Only deliberation is conducted in closed-session without parties present.

Right to Know Outcome and Sanctions. The victim has the right to know the outcome and sanctions of the hearing; the information may be provided orally or in writing.

Information and Assistance

If you believe you have been sexually assaulted, raped, or abused, please seek assistance. If you are in continuing danger, contact University Police Department (UPD) immediately at 911 or at 436-3550. You may choose to seek support from a resident assistant, a residence hall director, or a trained advocate from the Violence Intervention Program (VIP). To request the services of an advocate, you may call the VIP 24-hour hotline at 432-4855 or you may call UPD at 436-3550. Calling UPD to request an advocate does not obligate you to file a police report. If you want to file a report with UPD and/or with local police, the University Police Department officers will help you. Whether or not you want to file a report, officers can also give you information and assistance in seeking medical treatment, collecting evidence, contacting an advocate, and/or getting additional services on and off campus.

Individuals who have been sexually assaulted, raped, or abused frequently experience physical and/or psychological trauma. Even if you do not want to report the incident to any authorities, please consider getting assistance from medical or counseling professionals.

The resources listed below are either open/operational 24/7/365 or have on-call personnel available to assist you that may be reached by University Police.

<p>Campus Resources:</p> <p>University Police.....436-3550 PAIRS (Providing Advocacy & Intervention Regarding Sexual Assault).....436-3550 Health Center.....436-3573 Counseling Center.....436-3368</p>	<p>Community Resources:</p> <p>The Violence Intervention Program, Domestic Violence/Sexual Assault 24 hour hotline.....432-4855 Oneonta Police Dept.....432-1111 A.O. Fox Memorial Hospital...431-5000 New York State Police.....432-3211</p>
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Educational Programs

Educational programs to promote awareness of rape, acquaintance rape, and sex offenses are presented to the campus community, by University Police and Student Development staff. The PAIRS Committee (Providing Advocacy and Intervention Regarding Sexual Assault) presents ongoing programs for resident students, sororities/fraternities, and other groups.

21. THEFT/POSSESSION OF STOLEN PROPERTY/CRIMINAL MISCHIEF

No person shall take, or intentionally or recklessly damage, or knowingly possess property other than his/her own without the consent of the owner, or intentionally impede recovery by the owner or College officials acting on behalf of the owner.

22. TRESPASSING

No person shall knowingly enter into and/or utilize any College facility or service without proper authorization. No person shall knowingly enter a facility that they have specifically been prohibited from entering as per a judicial sanction.

23. WEAPONS

Possession or keeping of a deadly instrument on campus (including in any vehicle) or use of any object with intent to harm another is prohibited. This includes, but is not limited to, firearms, explosives, explosive devices, knives, blackjacks, chukka sticks, sling shots, kung fu type weapons, fireworks, firecrackers, CO2 type firearms, spring powered firearms, chemical or pepper aerosol spray. Violators will be subject to criminal prosecution and/or disciplinary action from the College.

24. RETALIATION

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

ARTICLE III: COLLEGE JUDICIAL SYSTEM

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not mimic the formality of criminal trials. Due process, within these procedures, assures some form of notice of charges and a hearing before an objective decision-maker. No student will be found in violation of college policy without information showing that it is more likely than not that a policy violation occurred.

The judicial conduct process includes three levels of adjudication. At the lowest level, complaints are heard informally by residence hall directors. At the next level, complaints are heard by a Student Development administrator, usually the Director of Student Judicial Affairs or Office of Residential and Community Life administrators. At the highest level, complaints are heard by the Standing Disciplinary Board (SDB). Nothing in these procedures implies that civil or criminal action cannot be taken independent of this judicial process in appropriate cases.

The Director of Judicial Affairs determines the level at which complaints will be adjudicated. Alleged violations for which the accused student may be suspended will be heard by the Director of Student Judicial Affairs or SDB; if dismissal is a possibility, the complaint will be heard by the SDB. There are the following exceptions:

1. If the complaint cannot be heard by the SDB in a timely manner, it may be adjudicated by the Director of Judicial Affairs or designee.
2. A student who is facing suspension and is informed that the complaint will be heard by the Director of Judicial Affairs may request in writing that the complaint is heard instead by the SDB. The written request must be submitted to the Director of Judicial Affairs within 24hrs of the student having been informed of the hearing.

ADMINISTRATIVE HEARINGS

Due Process Procedures for Cases Adjudicated by Residence Hall Directors and Administrative Hearing Officers

1. The student who has been accused of a violation will be informed of the alleged violation(s) in writing or orally at the time of the administrative hearing.
2. The student will be informed of the nature of the evidence against him/her indicating a potential policy violation.
3. The student has the right to make statements and present fact witnesses on his/her behalf. Those witnesses can be limited by the hearing officer if unduly repetitious. Where a witness cannot be physically present, telephone interviews and/or signed written statements can be substituted at the discretion of the hearing officer.
4. The student may ask that the administrative hearing be postponed for 24 hours in order to have time to call witnesses or to gather witness statements.
5. While accused students have the right to remain silent and cannot be compelled to participate in hearings, or may attend but choose not to respond to some or all questions, reasonable inferences can and will be drawn by hearing officers based upon the evidence they have available to them.
6. Decisions about violations of the Code of Student Conduct will be based on a preponderance of the evidence. This means that a student will only be found in violation of the Code of Student

Conduct if information indicates that it is more likely than not that the student engaged in behaviors constituting a violation.

Administrative Hearing Sanctions

If a student is found responsible for a Code of Conduct violation, an administrative hearing officer may impose any one or more of the sanctions below. A Residence Hall Director may impose any one or more of the sanctions below with the exception of numbers one, two and ten. There are many factors that are considered in determining the appropriate sanction(s). History of previous violations will be considered when determining sanctions. Code of Conduct violations that are bias- motivated may incur a more severe sanction.

1. Suspension means withdrawal from the College for a specified period of time. If the student is suspended for the semester in which he/she is currently enrolled, no academic credit for any of his/her courses may be awarded or refund of tuition issued. Readmission would usually be automatic for the student at the end of the period for which he/she has been suspended, unless the hearing officer limits return to the satisfaction of specific conditions. .
2. Restrictive disciplinary probation is given for a specific period of time. During that probationary period, the student may neither represent the College in any way nor hold elective or appointive office in any organization related to the College, nor participate in interscholastic or intramural sports, nor participate in any theatrical performance that is not part of class assignments, nor receive public recognition in any way through official College activities. The student may, however, be a member of any club or recognized student organization. In general, restrictive disciplinary probation is seen as allowing the student to pursue only those activities that enhance academic progress. Restrictive disciplinary probation carries with it the assumption that if the student should violate any other College regulations during the period of his/her probation, he/she will likely be suspended or dismissed.
3. Probation II imposes no restriction on the activities of the individual involved, but indicates that, for the time specified by the hearing officer; the student may be suspended or dismissed if he/she is found responsible for a violation of any other College regulation.
4. Probation I means that the student should understand that any future residence hall policy violation will result in further judicial conduct review.
5. A letter of admonition and reprimand is a letter indicating the College's displeasure with the behavior demonstrated by the student concerned. This letter of reprimand is kept in the Student Development Office confidential file until the end of a specified period of time unless otherwise directed.
6. In Kind Restitution of property or monies may be required when appropriate.
7. Community Service means that the student will be required to complete a set number of service hours at an assigned location in order to repay the community for rights violated or damages done.
8. Residence Hall Ban means a student is no longer permitted to visit a specific hall.
9. Residence Hall Transfer means a student may be relocated to another residence hall as appropriate.
10. Residence Hall License Revocation means that the student may be immediately removed from campus housing and not permitted in any residence hall for any reason indefinitely.
11. Educational sanctions may be assigned when appropriate at the discretion of the hearing officer.

STANDING DISCIPLINARY BOARD

This board will hear all disciplinary complaints referred to it by the Student Development Office. The College reserves the right to impose a deadline for a student to decide whether to request a Board hearing or withdraw from the College with a transcript notation.

The Vice President for Student Development, or designee, is the final source of appeal in all complaints that have been heard by the Standing Disciplinary Board. It is understood that until the Standing Disciplinary Board takes action, the Vice President for Student Development or designee may immediately suspend a student on an interim basis pending a full hearing when his/her continued attendance constitutes a clear and present danger. In such cases, the student will be given the opportunity to meet with the Vice President for Student Development or designee within 24 hours after the interim suspension to discuss the propriety of the suspension.

1. The Standing Disciplinary Board shall consist of:

- (a) Five faculty/staff members; four active and one alternate. Three of the members are to be elected by the faculty at large from a slate of at least three nominees for each position. These nominees shall be nominated by a committee consisting of the President of the College, Vice President of the College, Vice President for Student Development, and the chairperson of the Committee on Student Development. These faculty members will serve a three year term. Additionally, one faculty member will be selected from and by the Committee on Student Development. He/ she will serve a one year term and may be reappointed for subsequent years.
- (b) Four students; three active and one alternate, to be appointed by the President of the College following consultation with the President of the Student Association. The students will serve a one year term.

2. Non-voting Members

- (a) The Vice President for Student Development or his/her designee shall serve as a consultant to the Board.
- (b) The President of the Student Association shall serve as liaison between the Student Association and the Standing Disciplinary Board and shall be present at hearings at which the Student Association may be affected.

Procedures

A. The chairperson of the Disciplinary Board shall be one of the faculty/staff members, elected by a majority vote of the faculty/staff and student members of the Board at its first meeting of the academic year. During a hearing he/she shall have one vote, to be used only in the event of a tie vote among the other members of the Disciplinary Board.

B. Each of the three other faculty/staff members serving on the board and each of the three student members shall have one vote during a hearing.

C. The Disciplinary Board shall consider complaints of student misconduct in accordance with the procedures outlined by the College Judicial Conduct System. Complaints shall be referred to the Standing Disciplinary Board under the following circumstances:

- 1. Any student or student group, whose misconduct, in the estimation of the Student Development Office, might result in the student's suspension or dismissal may be referred to the Standing Disciplinary Board.
- 2. A student or student group has the right, by request to the Director of Judicial Affairs, to have

reviewed by the Standing Disciplinary Board any action taken against him/her or them by any other board, committee or individual other than the President of the College.

3. Any behavior on or off campus in which a student acts in such a way as to adversely affect the campus, members of the campus community, or its educational mission may be subject to referral to the Standing Disciplinary Board.

4. Any member of the College community may suggest to the Director of Judicial Affairs that a complaint is so egregious it should be referred to the Standing Disciplinary Board. This applies to any individual.

D. Voting shall be by means of a secret ballot with a simple majority rule, with the vote of each member stated for the record determining the results. Abstentions are not permitted. Where a sanction is imposed, the student shall be informed explicitly of its nature and limits. The Student Development Office shall be notified of the action taken in each complaint and shall be responsible for insuring that the sanction is imposed. That office will present to the student a written, detailed explanation of the sanction to be imposed and the reasons for the finding(s).

E. An accurate record of all hearings, including the vote, shall be kept in a confidential file.

F. The student or student group may appeal the actions of the Standing Disciplinary Board by presenting his/her or its appeal to the Vice President for Student Development or his/her designee. The student or student organization shall be informed of the right to such appeal.

G. A written description of the College judicial procedure shall be made available to any student or group under disciplinary consideration.

H. There shall be a single verbatim record, such as a tape recording, of all hearings conducted by the Standing Disciplinary Board. The record shall be the property of the College.

I. The Standing Disciplinary Board may dismiss charges against a student where it feels the original charges were not warranted.

J. The following sanctions may be imposed by the Standing Disciplinary Board:

1. Dismissal is permanent separation from the College for an indefinite length of time with no opportunity for readmission. Dismissal also carries with it a permanent bar to being present on campus, on college-owned property or at college-sponsored events.

2. Suspension means separation from the College for a specified period of time or the meeting of clearly established conditions or criteria for re-entry. If the student is suspended for the semester in which he/she is currently enrolled, no academic credit for any of his/her courses may be awarded or refund of tuition issued. Readmission would usually be automatic for the student at the end of the period for which he/she has been suspended, unless the suspension is conditional.

3. Restrictive disciplinary probation is given for a specific period of time. During that probationary period, the restricted student can not represent the College in any way nor can he/she hold elective or appointive office in any organization related to the College. He/she may not participate in interscholastic or intramural sports. He/she may not participate in any theatrical performance that is not part of his/her class assignments. He/she may not receive public recognition in any way for college-sponsored events. The student, however, may remain a member of any club that he/she prefers. In general, restrictive disciplinary probation is seen as allowing the student to pursue only those activities that enhance academic progress. Restrictive disciplinary probation carries with it the assumption that if the student should violate any other College regulations during the period of his/her probation, he/she may be suspended or dismissed.

4. Probation II imposes no restriction on the activities of the individual involved, but indicates that for the time specified by the Disciplinary Board, the student may be suspended or expelled if

he/she is found responsible for violating any other College regulation.

5. A letter of admonition and reprimand is a letter indicating the College's displeasure with the behavior demonstrated by the student concerned. This letter of reprimand is kept in the confidential disciplinary file until the end of a specified period of time unless otherwise directed.

6. In-kind restitution of property or monies when appropriate.

7. Educational sanctions may be assigned when appropriate at the discretion of board members.

Due Process Procedures for Complaints Adjudicated by the Standing Disciplinary Board:

No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some information to support each element of the offense, even if that information is merely a credible witness or victim's statement. A complaint wholly unsupported by any information will not be forwarded for a hearing.

The Director of Judicial Affairs may make any necessary modification to procedures in order to ensure efficiency and fairness to the accused.

Notice and pre-hearing procedures

If the Director of Judicial Affairs determines that there is reasonable cause to believe that a policy has been violated and that a complaint should be referred for a hearing, notice will be given to the accused student. Notice will be in writing, and may be delivered in person during a meeting with the Director of Judicial Affairs. Notice may also be mailed to the local or permanent address of the accused student. Once mailed, it is presumed that such notice will be delivered.

The letter of notice will state briefly a description of the incident alleged, as well as stating all policies the accused student is alleged to have violated. Relevant procedures for resolution of the complaint will be included in the notice.

The letter of notice will direct the accused student to contact the Director of Judicial Affairs to respond to the complaint, if they have not already done so. A meeting with the Director of Judicial Affairs can be arranged to explain the nature of the complaint and the conduct process.

The Director of Judicial Affairs will schedule a hearing. Written notice of the time, date and location of the hearing will be sent to the accused student, who may additionally be notified in person, by telephone, or by e-mail.

The Director of Judicial Affairs, or administration designee, presents all cases to the Standing Disciplinary Board (Board) and serves as complainant. If there is an alleged victim of the conduct in question, they may elect to provide a statement to the administration to be used at the hearing.

If a student fails to respond to notice from the Director of Judicial Affairs, a complaint will be initiated against the student for failure to comply with the directives of a College official. The student will be given notice of this offense. Unless the student responds to this notice within two business days by answering the initial notice, the student may be interim suspended until such

time as s/he responds to the initial complaint.

At least forty-eight hours before any scheduled hearing, the following will occur:

- The *accused* student will deliver to Director of Judicial Affairs a written list of all witnesses the accused student wants the college to call on his/her behalf at the hearing, giving the full contact information of any such witness, if known.
- The *accused* student will deliver to Director of Judicial Affairs a written list of all items of physical evidence the accused student intends to use or needs to have present at the hearing, and will indicate who has possession or custody of such evidence, if known;
- If there is an alleged *victim* that person may deliver to the Director of Judicial Affairs a written list of any potential witnesses that may have information on the matter as well as a written list of any physical evidence (including the location of such evidence, if known) that may assist the Director in the presentation of the case;
- The *accused* student(s) will notify the Director of Judicial Affairs of their chosen advisor if they elect to have one present at the hearing. The student may choose to have an attorney serve as their advisor. An advisor is permitted to attend hearings, but is not permitted to participate other than to advise the student. Any advisor who fails to observe these rules may be dismissed from the hearing.
- The Director of Judicial Affairs will ensure that all information to be presented at the hearing is shared with the accused student before any scheduled hearing. In addition, the accused student will be given the names of the Board Members who will participate in the hearing. Should the accused student object to any members of the board or panel, they must raise all objections in writing to the Director immediately. Board Members will be unseated only if the Director of Judicial Affairs, in consultation with the Board Chair, concludes that their bias precludes an impartial hearing of the complaint. Additionally, any Board member or hearing officer who feels they cannot make an objective determination must recuse himself/herself from the proceedings.

Hearing Procedures

During the hearing, the Director of Judicial Affairs will present the case. The accused student and the Director will present opening statements and will be permitted to ask questions of each other via the Chair of the Board. Each party will also be questioned by the Board. Witnesses for the accused student and for the College will be presented and questioned by the parties and the Board. The Chair has discretion to make provision for any witness who cannot be present to give information via telephone or by signed written statement. The accused student may choose not to answer some or all questions at the hearing. In that event, the Board is permitted to draw reasonable inferences based upon the information available. Closing statements will then be made. In any joint hearing, separate determinations will be made as to the responsibility of each student accused.

The Board will deliberate in closed session and determine by majority vote whether it is more likely than not that the student has violated the Code of Student Conduct. The Director of Judicial Affairs will be excused from the room but remain available as a resource during all deliberations. If the Board finds the student is responsible for a policy violation, they will also determine an appropriate sanction. In order to do this they will review information regarding applicable precedent sanctions and any previous conduct violations by the accused student. The

Board is a recommending body except in cases regarding Academic Integrity disputes. A copy of the hearing results will be forwarded to the Associate Vice President for Student Life. The Associate Vice President for Student Life will review the recommendation and determine the final sanction. The final determination will be implemented and all approved parties will be informed as soon as possible.

Character Information and Previous Conduct Violations

Any questions of admissibility of information will be decided by the Chair. Unduly repetitive witnesses can be limited by the chair. Character witnesses are not permitted, only fact witnesses. The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Chair. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by Director of Judicial Affairs. While previous conduct violations by the accused student are not admissible as information about the present alleged violation, the Director of Judicial Affairs will supply previous conduct violation information to the SDB to be reviewed after a determination has been made on the current complaint, in order to assign an appropriate sanction for the current complaint. This information will only be given to the SDB if the accused student was previously found *responsible* for any conduct violations.

Transcript Notation Policy

Because of the seriousness of Standing Disciplinary Board complaints, the College will record the outcome of certain disciplinary action on a student's transcript, in the form of a transcript comment. In disciplinary complaints involving withdrawal prior to a disciplinary hearing, interim suspension, suspension, or dismissal, the student's academic transcript shall be noted as follows:

Withdrawal: Student receives W or W() grades according to established guidelines. Transcript comment reads: "Readmission subject to Student Development Hearing." Comment is removed if a student is readmitted.

Disciplinary Interim Suspension (pending a SDB hearing): Student receives W or W() grades according to established guidelines. Transcript comment reads: "Disciplinarily suspended on (date)."

Disciplinary Suspension: Student receives W or W() grades according to established guidelines. Transcript comment reads: "Disciplinarily suspended until (date)." Comment is removed when the term of suspension expires.

Disciplinary Expulsion: Student receives W or W() grades according to established guidelines. Transcript comment reads: "Disciplinarily expelled on (date)."

After five years from the date of the student leaving the College for withdrawal pending disciplinary hearing, disciplinary interim suspension, or disciplinary expulsion, the student may petition the Vice President for Student Development to have the transcript comment removed. It is the student's responsibility to provide substantial evidence which supports the petition and provides documentation of their activities (work, education, etc.) since their exit from Oneonta.

APPEAL PROCESS FOR ALL COMPLAINTS

*For sexual misconduct complaints please see that policy for specific appeal procedures.

1. A decision and/or a sanction may be appealed. The appeal must be in writing and should be delivered to the Office of Student Development within 5 business days of the notification of outcome. Failure to submit an appeal within the allotted time will render the original decision final and conclusive.
2. For complaints that were originally heard by Residence Hall Directors or Office of Residential and Community Life administrators, the appeal will go to the Director of Judicial Affairs.
3. For complaints that were originally heard by the Director of Judicial Affairs or the Standing Disciplinary Board, the Vice President for Student Development or his/her designee will review the appeal.
4. An appeal will be limited to review of the verbatim record of the initial hearing and supporting documents. The appeal process will not include a new hearing, except as required to explain the basis of new information as follows:
 - a. If new information is brought forward that was not available at the time of the hearing, the student may be called to present and discuss this information.
 - b. If it is found that the student's due process rights were violated, a new case will be heard by the Vice President's designee.

Grounds for Appeal

The written appeal must address at least one of the following to be considered:

1. A procedural error so substantial that it affected the fundamental fairness of the hearing.
2. Significant information, unavailable during the original hearing that could be outcome determinative.
3. The sanction imposed was arbitrary or grossly disproportionate to the severity of the offense.
4. The decision does not accord with the information or evidence presented.

The appeals officer may support or change a decision, as well as decrease a sanction as appropriate. Sanctions may never be increased. The reviewing body will be deferential to the original decision maker, making changes to the finding only where there is clear error and to the sanction only if a compelling justification to do so exists. Students are limited to one appeal for each hearing.

INTERPRETATION AND REVISION

- A. Any question of interpretation regarding the Code of Student Conduct shall be referred to the Vice President for Student Development or his/her/designee for final determination.
- B. The Code of Student Conduct shall be reviewed annually under the direction of the Director of Judicial Affairs.

ARTICLE IV: COLLEGE POLICIES

Affirmative Action Policy The State University College at Oneonta reaffirms its commitment to policies of affirmative action and equal opportunity. The College pursues rigorous programs of affirmative action in its educational and employment practices. The College is committed to recruiting, hiring, training and promoting persons at all employment levels without regard to race, color, gender, religion, age, pregnancy, national origin (including ancestry), disability, being a disabled veteran or veteran of the Vietnam era, marital status, sex, sexual orientation, gender expression and gender identity, age, status as a handicapped individual, or any other protected category.

The College administrative and supervisory personnel share responsibility to see that this policy will be administered equitably in employment decisions and for promotional opportunities as well as in personnel actions relating to compensation, benefits, transfers, layoffs, institutional sponsored training, education, tuition assistance, and social and recreational programs.

Our designated officer for Affirmative Action is the Office of Equity and Inclusion which is located in the Netzer Administration Building, Room 133. For further information about our Affirmative Action Program, please contact 607-436-2830.

Harassment and Sexual Harassment Policy

It is the policy of the State University of New York College at Oneonta to actively provide an environment where employees and students are free from harassment, including sexual harassment. No member or group of the College community shall harass another member or group. Additionally, sexual harassment is an unlawful offense as defined by Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and the New York State Executive Law.

Within our College, a state of civility, trust, respect, and openness among members of the campus community is indispensable to full pursuit of the mission of the institution. Harassment, including sexual harassment, breaks the bonds of civility, trust, respect, and openness.

Harassment creates a hostile environment. Harassment can be created by verbal, written, graphic, or physical conduct that is severe, persistent and/or pervasive and interferes or limits the ability(ies) of a person or persons to work or learn.

Sexual harassment is usually defined as repeated unwelcome and unwanted sexual advances, or sexual allusions, unwarranted references to sexuality or sexual activities, requests for sexual favors, and other speech or conduct of a sexual nature. Sexual harassment can occur among peers, supervisors and supervisees, faculty/staff and students.

Research Foundation, Sodexo, O.A.S. and employees of College contractors should follow the policies and procedures established by their respective employers in compliance with Federal and State Laws. Please contact your Human Resources Office for assistance.

Types of Sexual Harassment

1. Quid pro quo – “this for that” – submission to sexual conduct is made a condition of employment or educational benefits. This applies when a person in a position of power, for example, a supervisor or faculty member, makes decisions that affect an employee’s work or student’s grades/performance based on whether the employee or student complies with his or her sexual demands.

2. Hostile Environment – unwelcome, pervasive, or continuous harassment, including sexual harassment, which creates an intimidating, hostile, or offensive environment where one works or learns. This applies when harassing behavior by anyone causes the work or classroom environment to become hostile, intimidating or offensive and unreasonably interferes with an employee’s work or student’s education.

Harassment, including sexual harassment, is in the “eye of the beholder” – the person perceiving harassment – regardless of the intent of the harasser. When an individual is told that his or her behavior is unwelcome or it is perceived as harassment, the behavior must stop.

The Sexual Harassment Policy is not intended to inhibit or prohibit professional judgment on the content and presentation of academic material.

Harassment, including sexual harassment, can be experienced or caused by anyone regardless of gender or sexual orientation.

HIV/AIDS

The State University of New York College at Oneonta will respond to each HIV infection case as required by its particular facts. Persons with AIDS or HIV infection will be assured of classroom attendance, work areas, residential housing, access to public facilities and common areas. The College will not tolerate cases of harassment where students or employees who are either known to be or suspected of being HIV positive are subjected to emotional and/or physical abuse.

Confidential information concerning HIV infection status will not be provided to any person, group, agency, insurer, employer, or institution without the prior written consent of the person. The College health service will observe public health requirements by reporting cases of AIDS to the local public health authorities.

Visitors to Campus

All visitors and guests on campus will be expected to conform to all College and living center regulations. Those who do not will be required to leave the campus. In the event of law violation or noncompliance with a request to leave, he/she shall be considered a trespasser and the campus law enforcement authorities will be notified.

Smoking

Smoking is prohibited in all College buildings except in certain designated areas. Such areas are identified by “Smoking Permitted” signs. Areas without such signs should be understood to be no smoking areas. Smoking is defined as the carrying or use of a lighted cigarette, cigar, or other form of smoking device.

Public Display

- Nature of display shall be approved by the appropriate college officer or department.
- Each poster shall be identified as to its sponsor.
- Any member of the College community may display any notice, poster, or petition providing it complies with the above sections. (Commercial notices must be cleared through the office of the Director of the College Union.)

Display of Flags or Banners

The College will display on its several campus, no flag or banner other than the Flag of the United States, the Flag of the State of New York, the United Nations Flag, and the Red Cross Flag, and the College will not permit the display of any such other flag or banner requiring the use of public facilities or premises of the College.

Class Attendance

Students are expected to attend all classes for which they are registered. Attendance policies may be determined by the individual instructor. Hence, the professor is the person directly responsible for notifying his/her students of attendance requirements. Beyond that point, the primary responsibility for attendance rests with the student.

It is also understood that students who miss work for whatever reason, however legitimate, are responsible for that work. In other words, although an absence may be excused in the sense of being officially explained, the student is not excused from knowing course material or satisfying course requirements. It is also apparent that at times an absence in itself may mean that students have missed a part of the course experience that cannot be duplicated. It is up to the instructor to determine the degree of make-up experience that is possible or necessary.

The main business of the College is instruction. Instruction takes precedence over vacations, bus schedules, or personal convenience. Classes before and after vacations are a significant part of instructional time. Instructors include significant materials in these classes, and at their discretion schedule examinations or other written assignments for those days.

Instructors are asked to give special consideration to students who wish to be absent for reasons of religious observance. Instructors are asked not to reschedule their classes to extend a vacation.

a. Attendance During the First Week of Classes

It is the student's responsibility to indicate his/her intention to attend each course for which he/she is registered. Therefore, a student must attend the first class in each course, as well as the first laboratory (if applicable) or the instructor may declare the student's place vacant, give it to another student and report having done so to the Registrar's Office.

If an illness or unavoidable circumstance prevents the student from attending the first class or the first laboratory, the student must notify the instructor or the department office of his/her intention to attend the course. If neither can be reached, then the student may ask the Student Development Office to notify the instructor or the department office. Such notification must occur during the first three class days of the semester.

b. Athletic Absences

Students on College athletic teams should not be required to attend class at times that conflict with official intercollegiate athletic contests in which their team is engaged. Neither should such students be penalized for athletic absences by being denied the same opportunity to make up the work or demonstrate competence that would be given any other student with legitimate reason for absence, such as illness or a co-curricular field trip. Athletic absences should be treated as

legitimate absences.

Student Behavior

A student whose behavior appears to pose a threat to themselves or others may be subject to involuntary evaluation and/or involuntary leave of absence from residence halls or from the College. Involuntary leave is based on the direct threat standard, an objective finding of a high probability that the student may cause substantial harm to themselves or others.

Procedures

a. Whenever the behavior of a student appears to pose a serious threat to the health or safety of the student or others or to the functioning of the College, the Vice President of Student Development (VPSD) or designee may direct the student to participate in a psychological evaluation to be conducted by a staff member at the Counseling Center. The student must initiate the evaluation process within 48 hours of being informed that it is required. The student may be evaluated by an external evaluator with the approval of the VPSD; the College will provide information to the external evaluator about the student's status on campus with a release.

As part of the evaluation, the student may be directed to release information from medical and/or psychological practitioners who have previously treated her/him; other campus resources may also provide information. The evaluation will assess the following:

1. The nature, duration, and severity of the risk that the student poses to the safety of self or others.
2. The likelihood that the student's threat to the safety of self or others will continue if the student remains in a residence hall and/or as a student.
3. Actions, if any, that could be taken to manage and/or reduce the student's risk to self and/or others.

b. A student who has been directed by the VPSD or designee to participate in a psychological evaluation may be subject to interim suspension from the College and/or interim revocation of his/her campus housing license until the evaluation is completed. The student may meet with the VPSD or designee within 24 hours of the suspension to address the evidence.

c. Upon completion of the psychological evaluation, the student will meet with the VPSD or designee. The VPSD or designee may initiate remedies and/or involuntary leave procedures for the student from the residence halls and/or the College. The decision of the VPSD or designee is final. The student will be subject to the regulations for leaves of absence regarding refunds, grades, etc.

d. A student who has been involuntarily placed on leave from the College and/or residence halls may at any time make a request to return by providing documentation from an appropriately licensed mental health professional who follows the assessment model provided in IV. 7. a. above. The documentation should be accompanied by a written request from the student and submitted to the VPSD or designee.

The involuntary leave will not be reversed until such documentation is received by the VPSD

and is evaluated by a staff member at the Counseling Center. The student may be required to participate in an additional evaluation by Counseling Center staff. All evaluative material will be reviewed by the VPSD or designee who will then determine if the involuntary leave will be reversed; the VPSD or designee may designate conditions for the student's return.

e. Behavior which is in violation of the Student Code of Conduct may also be subject to disciplinary action under the Code.

APPENDIX A: POLICY STATEMENT ON DRUGS AND ALCOHOL

Compliance with the Drug Free Schools and Communities Act of 1989

The College at Oneonta hereby prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on our property or as any part of our institutional activities.

The College will impose sanctions on students and employees who violate this policy consistent with local, state, and federal law. Students will be subject to the judicial conduct procedures specified in this publication. Other corrective action may include the completion of an appropriate rehabilitation program.

The College will interpret local, state, and federal regulations in the strictest sense to assure a drug free work place.

The College, on an annual basis, will provide to each student and employee information describing the health risks associated with the use of illicit drugs and the abuse of alcohol.

The College is committed to offering employees and students counseling and/or referral to the appropriate agencies for problems associated with drugs and alcohol. For students, the campus Counseling Center is available for confidential counseling and referrals.

Finally, the College at Oneonta commits to biennial reviews of our programs associated with this statement to determine program effectiveness and implement necessary changes. It is also our intention to assure consistent applications of this policy to all students and employees alike.

College Regulations Regarding Alcoholic Beverages

The College has an obligation to develop policies and procedures that reflect our relationships to the larger Oneonta community and to New York State. The campus alcohol policy has been revised because of legislative amendments to the New York State Alcohol Beverage Control Law. The College will, however, continue to stress the importance of alcohol education within the campus community. As is true with any policy or regulation, voluntary compliance is essential for its successful implementation.

While procedures have been developed for addressing violations of the campus alcohol policy, respect for issues of student privacy and security from unreasonable intrusions will be consistent with policy and past practice.

The College will comply with the requirements of the New York State Alcohol Beverage Control Law. Amendments to the law provide that, "No person under the age of 21 shall possess any alcoholic beverage with the intent to consume such beverage." College regulations pertaining to this law will be implemented in the following manner:

Residence Halls

Alcoholic beverages are not permitted in residence halls and no events will be approved in which

alcohol will be served or consumed. Residents are subject to all local and state laws concerning the use, possession, sale, and transportation of alcoholic beverages.

Other Areas

College policy prohibits open containers of alcoholic beverages in all outside areas on the campus. Bringing alcoholic beverages to any public or private event on campus is not permitted.

Occasional Service

Upon approval of the Hunt College Union Director, alcohol may be served at specifically approved student functions under the application procedure described below. These functions must be serviced only by the Organization of Ancillary Services designated by the Hunt College Union Director. Beverage service will be operated in accordance with federal, state, and local laws under the license obtained by the Organization of Ancillary Services of the State University of New York in Oneonta.

Application to Serve Alcohol

Individuals or organizations requesting alcohol service must do so by completing the appropriate College Activity Registration forms and submitting them to the Director or his/her designee, no later than 30 days before the proposed event. The Director, in consultation with appropriate divisions of the College and OAS, will inform the applicant of the decision within 48 hours of the receipt of the application.

Violations (resulting from “occasional service” as outlined above)

Violation of this policy will result in appropriate disciplinary sanctions up to and including dismissal, as provided for under established College judicial conduct procedures. While students are subject to the provisions of campus alcohol policy, the following information is provided regarding provisions of the Alcohol Beverage Control Law:

* Violators are subject to a fine of up to \$50 per offense, but are not subject to arrest. Alcoholic beverages involved in alleged violations of this law may be seized by authorized law enforcement officials, including campus police officers. Disposal and destruction of seized alcoholic beverages are also authorized but cannot be carried out until three days after the initial appearance date, unless otherwise ordered by a court.

* Persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine up to \$100 and a community service requirement of up to 30 hours. Previously, violations of this section were punishable only by the imposition of a one year probationary period and a fine.

* A person under the age of 21 who represents an altered New York State driver’s license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver’s license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver’s license following the suspension.

* No person shall sell, deliver, give away, permit, procure to be sold, delivered, or given away, any alcoholic beverages to any intoxicated person or any person under the influence of alcohol.

* Any person who shall be injured in person, property, means of support or otherwise by an intoxicated person, or by reason of the intoxication of any person, whether resulting in his/her death or not, shall have a right of action against any person who shall, by unlawfully selling to or

unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action, such person shall have a right to recover actual and exemplary damages.

* Social host liability creates civil liability for anyone who knowingly furnishes alcoholic beverages to any intoxicated person under the legal age of purchase if intoxication results in injury or damages to a third party.

New York State Education Law

New York State Education Law prohibits hazing that involves the forced consumption of alcohol.

Drugs

The drug problem on campus is complex and solutions to drug misuse are difficult. Nevertheless, the possession, sale, or use of any illegal drug on or off campus cannot be condoned.

In addition to taking appropriate action on its own part, the College will continue to cooperate with appropriate health and law enforcement agencies in enforcing this regulation. No sanctuary for those who violate state and federal narcotic laws will be provided by any agency or office of this College. The sanctions both on and off campus for the possession and/or sale of illegal drugs are very severe.

The College, through its Student Development Division, is committed to providing the campus with an ongoing program dealing with the problems related to drug abuse and aimed specifically at its prevention through education.

Alcohol and Other Drug (AOD) Committee

The AOD Committee is a joint collaboration of students, staff, and faculty to on initiatives to decrease high-risk alcohol and other drug use by College at Oneonta students. The committee utilizes a combination of the social norms and environmental management approaches to prevention. The committee organizes and sponsors Alcohol Awareness Week in October and co-sponsors Safe Spring Break campaigns. Under the auspices of this committee, the student Dragon Design Team designs posters and other media activities to promote healthy student norms. The Committee also sponsors the student and faculty CORE survey to identify attitudes and patterns regarding AOD issues. Committee members are actively involved with the Campus-Community coalition to increase prevention efforts beyond just those on campus.

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood of an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combines with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs, such as the brain and liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome (FAS) or fetal alcohol effect (FAE). Both FAS and FAE are the leading known cause of mental retardation, which is irreversible. To prevent this syndrome, total abstinence from alcohol during pregnancy is necessary. Alcohol should also be avoided if you are trying to become pregnant, as significant damage may occur before pregnancy is discovered.

Tobacco and the Body

Tobacco, commonly smoked through pipes, cigars, and cigarettes, can also be chewed and inhaled in the form of snuff. Nicotine is the active ingredient in all forms of tobacco. Nicotine stimulates the heart and central nervous system and is a power constrictor of small arteries. Insufficient oxygen to the heart is the cause of heart attacks. Smoking causes the lungs and bronchioles to be inflamed and congested. Possible health risks of tobacco include arteriosclerosis, emphysema, chronic bronchitis, heart disease, and lung cancer.

Cannabis (Marijuana, pot, grass, reefer, joint, Acapulco Gold, sinsemilla, Thai sticks, weed, THC, Marinol, Hashish, Hashish Oil)

The psychoactive ingredient in marijuana is tetrahydrocannabinol (THC). The amount of THC in a joint is what affects the user. THC is used medically as an anti-nauseant for cancer patients receiving chemotherapy.

Possible signs of use or abuse of cannabis include: increased heart and pulse rate, bloodshot eyes, increased appetite, dryness in mouth and throat, hallucinations, paranoia or panic, impaired memory, altered sense of time, and decreased concentration, reaction time, and coordination.

Health risks include: damage to heart and lungs, damage to brain nerve cells, lung cancer, memory disorders, interference with psychological maturation, temporary loss of fertility in men and women, psychological dependence, and bronchitis. For pregnant women, health risks are premature births and low birth weights.

Designer Drugs

Designer Drugs are lab-made versions of drugs that are designated controlled substances under U.S. law. Under provisions of the Controlled Substance Analog Act, designer drugs are illegal.

Early designer drugs included substitutes for heroin, amphetamines and hallucinogens, including MDMA ("E", "X", "XTC", ecstasy).

Risks of designer drugs are often related to how the drugs are made as well as how they are used. Base chemical such as phenyl acetic acid, formaldehyde, carbamate, acetic anhydride, and others can build up to toxic levels in the labs. In the process of synthesizing some chemicals, some chemicals can poison the final product – creating seizure-inducing forms of PCP for instance.

Many times the chemist doesn't know exactly what drug he's created until it's been "tested" on real people and confirmed by medical examiners.

MDMA, MDA, XTC, ADAM, Rhapsody, E, X, ecstasy.

Risks associated with MDMA include the possibility of overdose and related risk of hypothermia. Because MDA/MDMA is an amphetamine, tolerance develops quickly and overdose is possible. Liver damage and exhaustion can also occur. The drugs are known to intensify heart problems. Research indicates there may be damage to brain cells that manufacture the neurotransmitter serotonin.

There are risks connected to all night dancing and MDMA-dehydration; heat exhaustion and dangerously high body temperature is the most common and serious risk. (Taking breaks to cool off and drinking plenty of water will help alleviate the risk).

Source: Charts I, II, and III, "A Matter of Facts," prepared by the Minnesota Prevention Resource Center, Minnesota Institute of Public Health, for the Chemical Dependency Program Division, Minnesota Department of Human Services.

Chart I
DRUG ACTIONS CLASSIFIED BY TYPE OF DRUG

	Drug Type	Facts	Possible Signs of Use/Abuse	Possible Health Risks of Use/Abuse
D E P R E S S A N T S	Alcohol (<i>Brew, Juice, Liquor</i>) Barbituates (Downers, Barbs) Benzodiazepines (Valium, Librium, Tranquilizer) Chloral Hydrate (Knock Out, Mickey Finn) Glutehimide (Doriden) Ludes) Methaqualone Quaalude Other Depressants: Equanil, Miltown, Noludar, Placidyl, Valmid	Depressants depress or slow down the central nervous system by relaxing muscles, calming nerves and producing sleep. Alcohol is a depressant. Depressants are composed of sedative-hypnotic and tranquilizer drugs. Depressants are addictive. Users of depressants develop a tolerance to the drugs, Meaning larger doses must be taken each time to produce the same effect	Relaxation and drowsiness; lack of concentration; disorientation; loss of inhibitions; lack of coordination; dilated pupils; slurred speech; weak and rapid pulse; distorted vision; low blood pressure; shallow breathing; staggering; clammy skin; fever, sweating; stomach cramps; hallucinations; tremors; and delirium.	Liver damage; convulsions; addiction with severe withdrawal symptoms; coma, death due to overdose. For pregnant women, the newborn may be dependent and experience withdrawal or suffer from the birth defects and behavioral problems.
H A L L U C I N O G E N S	Lysergic Acid Diethylamide (<i>LSD</i>) Phencyclidine (<i>PCP, Angel Dust</i>) Mescaline and Peyote (<i>Mexc, Buttons, Cactus</i>) Psilocybin (<i>Mushrooms</i>) Amphetamine Variants (<i>MDMA/Ectasy, MDA/Love drug, TMA DOM, DOB, PMA, STP, 2.5-DMA</i>) Phencyclidine Analogues (PCE, PCPy, TCP) Other Hallucinogens: Bufotenine, Ibogaine, DMT, DET Psilocybin	Hallucinogens are psychedelic, mind altering, drugs that affect a person's perception, feelings, thinking, self-awareness, and emotions. A "bad trip" may result in the user experiencing panic, confusion, paranoia, anxiety, unpleasant sensory images, feelings, of helplessness, and a loss of control. A "flashback" is a reoccurrence of the original drug experience without taking the drug again.	Dilated pupils; increased body temperature, heart rate and blood pressure; sweating, loss of appetite, sleeplessness; dry mouth; tremors; hallucinations; disorientation; confusion, paranoia; violence; euphoria; anxiety; and panic.	Agitation; extreme hyperactivity; psychosis; convulsions; mental or emotional problems; death.

<p style="text-align: center;">I N H A L A N T S</p>	<p>Amyl Nitrite (<i>Poppers, Snappers</i>) Butyl Nitrite (<i>Rush, Bolt Bullet</i>) Chlorohydrocarbons (<i>Aerosol Sprays, Cleaning Fluids</i>) Hydrocarbons (<i>Solvents, gasoline, Airplane Glue, Paint Thinner</i>) Nitrous Oxide (<i>Laughing Gas, Whippets</i>)</p>	<p>Inhalants are substances that are breathed or inhaled through the nose. Inhalants are depressants and depress or slow down the body's Functions. Inhalants are normally not thought of as drugs because they are often common household or industrial products. However, inhalants are often the most dangerous drugs per dose.</p>	<p>Euphoria and lightheadedness; excitability; loss of appetite; forgetfulness; weight loss; sneezing; coughing, nausea and vomiting; lack of coordination; bad breath; red eyes; sores on nose and mouth; delayed reflexes; decreased blood pressure; flushing (skin appears to be reddish); headache; dizziness; and violence.</p>	<p>Depression; damage to the nervous system and body tissues; damage to liver and brain; heart failure; respiratory arrest; suffocation; unconsciousness; seizures; heart failure; sudden sniffing death.</p>
<p style="text-align: center;">N A R C O T I C S</p>	<p>Codeine (<i>School Boy</i>) Heroin (<i>H, Harry, Junk, Brown Sugar, Smack</i>) Hydromorphine (<i>Lords</i>) Meperidine (<i>Doctors</i>) Morphine (<i>Morpho, Miss Emma</i>) Opium (<i>Dovers Powder</i>) Other Narcotics: Percodan, Talwin Lotomil, Carvon, Numporphan, Percocet, Tylox, Tussionex, Fentanyl</p>	<p>Narcotics are composed of opiates and synthetic drugs. Opiates are derived from the seed pod of the Asian poppy. Synthetic drugs called popioids are chemically developed to produce the effects of opiates. Initially, narcotics stimulate the higher centers of the brain, but then slow down the activity of the central nervous system. Narcotics relieve pain and induce sleep. Narcotics, such as Heroin, are often diluted with other substances (i.e. water, sugar) injected. Other Narcotics are extremely addictive. Users of narcotics develop a tolerance to the drugs, meaning larger doses must be taken each time to produce the same effect.</p>	<p>Euphoria; restlessness and lack of motivation; drowsiness; lethargy; decreased pulse rate; constricted pupils; flushing (skin appears reddish); constipation; nausea and vomiting; needle marks on extremities; skin abscesses at injection sites; shallow breathing; watery eyes; and itching</p>	<p>Pulmonary edema; respiratory arrest; convulsions; addiction; coma; death due to overdose. For users who share or use unsterile needles to inject narcotics: tetanus, hepatitis, AIDS. For pregnant women: premature births, stillbirth, and acute infections among newborns.</p>

<p style="text-align: center;">S T E R O I D S</p>	<p>Anabolic-Androgenic (<i>Roids Juice, D-Ball</i>)</p>	<p>Steroids may contribute to increases in body weight and muscular strength. Anabolic – Androgenic steroids are chemically related to the male sex hormone testosterone. Anabolic means to build up the muscles and other tissues of the body. Androgenic refers to the development of male sex characteristics. Steroids are injected directly into the muscle or taken orally.</p>	<p>Sudden increase in muscle and weight; increase in aggression and combativeness; violence (“roid rage”); hallucinations; jaundice; purple or red spots on body, inside mouth or nose; swelling of feet or lower legs (edema); tremors; and bad breath. For women, breast reduction, enlarged clitoris, facial hair and baldness, deepened voice. For men: enlarged nipples and breasts, testicle reduction, enlarged prostate, baldness.</p>	<p>Acne; high blood pressure; liver and kidney damage; heart disease; increased risk of injury to ligaments and tendons; bowel and urinary problems; gallstones and kidney stones; liver cancer. For women, menstrual problems. For men, impotence and sterility. For users who share or use unsterile needles to inject steroids: hepatitis, tetanus, AIDS.</p>
<p style="text-align: center;">S T I M U L A N T S</p>	<p>Amphetamines (<i>Uppers, Pep Pills</i>) Cocaine (<i>Coke, Flake, Snow</i>) Crack (<i>Rock</i>) Methamphetamines (<i>Ice, Crank, Crystal</i>) Phenmetrazine (<i>Preludin, Preludes</i>) Other Stimulants: Adpax, Cylert, Didres, Ionamin, Mefiat, Plegine, Sanorex, Tenuate, Tepanil, Prelu-2</p>	<p>Stimulants stimulate the central nervous system, increasing alertness and activity. Users of stimulants develop a tolerance, meaning larger doses must be taken to get the same effect. Stimulants are psychologically addictive.</p>	<p>Increased alertness; excessive activity; agitation; euphoria; excitability; increased pulse rate, blood pressure and body temperature; increased alertness; excessive activity; agitation; euphoria; excitability; increased pulse rate, blood pressure & body temperature; insomnia, loss of appetite; sweating dry mouth and lips; bad breath; disorientation; apathy; hallucinations; irritability; & nervousness.</p>	<p>Headaches; depression; malnutrition; hypertension; psychosis; cardiac arrest; damage to the brain and lungs; convulsions; coma; death.</p>

Chart II
CONTROLLED SUBSTANCES CRIME AND PENALTIES IN NEW YORK STATE

Class A-1 Felony: 15-25 years minimum; life term maximum

Possession: 4 oz. Narcotic Drugs (Opiates, Heroine, Morphine, Opium derivatives, codeine, coca leaves, cocaine, other drugs listed in Public Health Law 3306 Sch. 1 (b), (c); II (b) and (c) excluding Methadone); 5760 mg. Methadone.

Sale: 2 oz. Narcotic Drugs; 2880 mg. Methadone

Class A-II Felony: 3-8 H years minimum; life term maximum

Possession: 2 oz. Narcotic Drugs; 2880 mg. Methadone; 10 gm. Stimulants (Fenethylamine, N-ethyl amphetamine, Amphetamine, Methamphetamine [2 oz.]); 25 mg. LSD; 625 mg. Hallucinogens (DOM, STP, N-Methyl-3-Piperidyl Benzilate, Psilocybin, Psilocybin, Psilocyn, Tetrahydrocannabinols, Ethylamine analog of (PCP)); 25 gm. Hallucinogenic Substances (DMA, PMA, DET, DMT, LSD, Marijuana, Mescaline Peyote).

Sale: ½ oz. Narcotic Drugs 360 mg. Methadone; 5 gm. Stimulants; ½ oz. Methamphetamine; 5 mg. LSD; 125 mg. Hallucinogens; 5 gm. Hallucinogenic Substances.

Class B. Felony: 1-8 H years Minimum; 3-25 years maximum

Possession: ½ oz. Narcotic Drugs; 5 gm. Stimulants; ½ oz. Methamphetamine; 5 mg. LSD; 1250 mg. Phencyclidine (PCP); 125 mg. Hallucinogens; 5 gm. Hallucinogenic Substances.

Sale: Any amount of Narcotic Drugs; any amount Narcotic Preparations; 1 gm. Stimulants; 1/8 oz. Methamphetamine; 1 mg. LSD; 250 mg. Phencyclidine (PCP); 25 mg. Hallucinogens; 1 gm. Hallucinogenic Substances.

Class C Felony: Maximum 15 years prison

Possession 1/8 oz. Narcotic drugs; 2 oz. Narcotic Preparations; 360mg. Methadone; 1 oz. Concentrated Cannabis; 1 gm. Stimulants; ½ oz. Methamphetamine; 1 mg. LSD; 250 mg. PCP; 25 mg. Hallucinogens; 1gm. Hallucinogenic Substances; 10oz. Dangerous Depressants (Methaqualone; Phencyclidine; Amobarbital, Glutethimide, Pentobarbital, Secobarbital, Barbitol, Methoexital, Mephobarbital, Phenobarbital); 2 lb. Depressants (items in P.H.L. 3306* , Sch . IV [c] not listed above), 10 lbs. aggregate Marijuana.

Sale: Any amount Narcotic Preparations, Methadone, Concentrated Cannabis; (to persons 19 yrs. on school ground, any amount Stimulants, Methamphetamines, LSD, PCP, Hallucinogens, Hallucinogenic Substances, Dangerous Depressants, Depressants); 50mg. PCP, 10 oz. Dangerous Depressants; 2 lb. Depressants; more than 16 oz. Marijuana.

Class D Felony: Maximum 7 years prison

Possession: 500 mg. Cocaine, ½ oz. Narcotic Preparations; ¼ oz. or more Concentrated Cannabis; 50mg. PCP, 16 oz. aggregate Marijuana.

Sale: Any amount Stimulants; Methamphetamines; LSD; PCP; Hallucinogens; Hallucinogenic Substances; Dangerous Depressants; Depressants; more than 4 oz. of Marijuana; any amount to a person under 18 years old Marijuana.

Class E Felony: Maximum 4 years prison

Possession: 8 oz. aggregate** Marijuana.

Sale: 25 gm. Aggregate** Marijuana.

Class A Misdemeanor: Maximum 1 year prison or \$1,000 fine

Possession: Any amount of Narcotic Drugs; narcotic preparations; Methadone; concentrated Cannabis; Stimulants; Methamphetamines; LSD; PCP; Hallucination; Hallucinogenic Substances; Dangerous Depressants; Depressants; Marijuana.

Class B Misdemeanor: Maximum 3 months prison or \$500 fine

Possession: Any amount Marijuana exposed in a public place; 25 gm. Marijuana otherwise.

Sale: 2 gm. or 1 joint Marijuana.

*Public Health Law 3306- available from Public Safety

** Aggregate is the gross weight of material in which “pure” marijuana is contained.

Chart III

CONTROLLED SUBSTANCES CRIMES AND PENALTIES UNDER FEDERAL LAW

Possession: 100 grams or more methamphetamine or kilogram or more methamphetamine mixture, 1 kilogram or more heroin mixture, 5 kilograms or more cocaine mixture, 50 grams or more crack mixture, 100 grams or more PCP or 1 kilogram or more PCP mixture, 10 grams of more LSD mixture, 400 grams or more Fentanyl mixture, 100 grams or more Fentanyl analogue mixture, 1000 or more marijuana plants.

Penalty:

First Offense: 0 to life, 10 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$4 million fine individual, \$10 million other than individual.

Second Offense: 0 to life, 20 year mandatory minimum; if death or serious injury, not less than life; up to \$8 million fine individual, \$20 million other than the individual.

Possession: 10-99 grams methamphetamine or 100-999 grams methamphetamine mixture, 100-999 grams heroin mixture, 500-4999 grams cocaine mixture, 5-49 grams crack mixture, 10-99 grams PCP or 100-999 grams PCP mixture, 1-10 grams LSD mixture, 4-399 grams Fetanyl, 10-99 grams Fetanyl analogue, 100-1000 kilograms marijuana, 100-1000 marijuana plants.

Penalty:

First Offense: 0 to 40 years, 5 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$ 2 million fine individual, \$ 5 million other than individual.

Second Offense: 0 to life, 10 year mandatory minimum; if death or serious injury, not less than life; up to \$ 4 million fine individual, \$ 10 million other than individual.

Possession: Any amount of other Schedule I and Schedule II Controlled Substances, 50-100 kilograms marijuana, 50-99 marijuana plants, 10-100 kilograms hashish, 1-100 kilograms hashish oil.

Penalty:

First Offense: 0 to 20 years; if death or serious injury, 20 year minimum, not more than life; up to \$1 million fine individual, \$ 5 million other than individual.

Second Offense: 0 to 30 years; if death or serious injury, not less than life; up to \$ 2 million fine individual, \$ 10 million other than individual.

Possession: Any amount of Schedule IV Controlled Substances.

Penalty:

First Offense: 0 to 3 years; up to \$ 250,000 fine individual, \$ 1 million other than individual.

Second Offense: 0 to 6 years; up to \$ 5000,000 fine individual, \$ 2 million other than individual.

Possession: Any amount of Schedule V Controlled Substances.

Penalty:

First Offense: 0 to 1 year; up to \$ 100,000 fine individual, \$ 250, 000 other than individual.

Second Offense: 0 to 2 years; up to \$ 200, 000 fine individual, \$ 500, 000 other than individual.

In addition to the above penalties for controlled substances crimes, Federal law provides for: (1) forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment; (2) forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance; (3) a civil fine of up to \$10,000 (pending adoption of final regulations); (4) denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses; (5) ineligibility to receive or purchase a firearm; and (6) revocation of certain Federal benefits, e.g. pilot licenses, public housing tenancy, etc., as determined by individual Federal agencies.

APPENDIX B: BIAS CRIMES PREVENTION

Hate Crimes and the Law

It is a State University of New York at Oneonta Police mandate to protect all members of the Oneonta community by preventing and prosecuting bias or hate crimes that occur within the campus' jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hat/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available from the University Police.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, State University of New York at Oneonta Police also assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member or group within the Oneonta community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color creed, or marital status, may be addressed through the State University's Discrimination Complaint Procedure or the campus conduct code. Bias incidents can be reported to University Police as well as to the Office of Human Resources, the Office of Multicultural Student Affairs, and/or the Office of Judicial Affairs.

If you are a victim of, or a witness to, a hate/bias crime on campus, report it to University Police by calling 911 in an emergency, using a Blue Light or other campus emergency telephone or stopping by any of the offices mentioned above. University Police will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents can avail themselves of counseling and support services from the campus by contacting the Counseling Center at 436-3368.

For general information on Oneonta State's security procedures, or about bias-related incidents and bias crimes, including up-to-date statistics on bias crimes visit www.oneonta.edu, or call the University Police department at 436-3550.

APPENDIX C: Board of Trustees SUNY Maintenance Of Public Order Statutory Authority Education Law 6450

Rules and Regulations for the Maintenance of Public order on Premises of State Operated Institutions of the State University of New York.

Education

1. **Statement of purpose.** The following rules are adopted in compliance with section 6450 of the Education Law and should be filed with the Commissioner of Education and the Board of Regents on or before July 20, 1969, as required by that section. Said rules shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and Board of Regents within 10 days after adoption. Nothing herein is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly. Free inquiry and free expression are indispensable to the objectives of a higher educational institution. Similarly, experience has demonstrated that the traditional autonomy of the educational institution (and the accompanying institutional responsibility for the maintenance of order) is best suited to achieve these objectives. These rules shall not be construed to prevent or limit communication between and among faculty, students, and administration, or to relieve the institution of its special responsibility for self-regulation in the preservation of public order. Their purpose is not to prevent or restrain controversy and dissent, but to prevent abuse of the rights of others and to maintain that public order appropriate to a college or university campus without which there can be no intellectual freedom and they shall be interpreted and applied to that end.
2. **Application of rules.** These rules shall apply to all State operated institutions of the State University except as provided in Part 550 as applicable to the State University Maritime College. These rules may be supplemented by additional rules for the maintenance of public order heretofore or hereafter adopted for any individual institution, approved and adopted by the State University trustees and filed with the Commissioner of Education and Board of Regents, but only to the extent that such additional rules are not inconsistent herewith. The rules hereby adopted shall govern the conduct of student, faculty and other, licensees, invitees and all other persons, whether or not their presence is authorized, upon the campus of any institution to which such rules are applicable and also upon or with respect to any other premises or property, under the control of such institution, used in its teaching, research, administrative, service, cultural, recreational, athletic and other programs and activities; provided, however, that charges against any student for violation of these rules on the premises of any such institution other than the one at which he/she is in attendance shall be heard and determined at the institution in which he/she is enrolled as a student.
3. **Prohibited Conduct.** No person, either singly or in concert with others, shall:
 - (a) willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act that he/she has a lawful right to do or to do any act that he/she has a lawful right not to do;
 - (b) physically restrain or detain any person, not remove such person, from any place where he/she is authorized to remain.
 - (c) willfully damage or destroy property of the institution or under its jurisdiction, nor remove or use such property without authorization;
 - (d) without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member;
 - (e) enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
 - (f) without authorization, remain in any building or facility after it is normally closed;

- (g) refuse to leave any building or facility after being required to do so by an authorized administrative officer;
- (h) obstruct the free movement of persons and vehicles in any place to which these rules apply;
- (i) deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers;
- (j) knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver or other firearm or weapon without written authorization of the chief administrative officer, whether or not a license to possess the same has been issued to such person;
- (k) willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; or
- (l) take any action, create or participate in the creation of, any situation that recklessly or intentionally endangers mental or physical health or that involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

4. Freedom of speech and assembly; picketing and demonstrations.

(a) No student, faculty or other staff member or authorized visitor shall be subject to any limitation or penalty solely for the expression of his/her views nor for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations in public areas of ground and building will not be interfered with. Those involved in picketing and demonstrations, may not however, engage in specific conduct in violation of the provisions of the preceding section.

(b) In order to afford maximum protection to the participants and to the institutional community, each State operated institution of the State University shall promptly adopt and promulgate, and thereafter continue in effect as revised from time to time, procedures appropriate to such institution for giving of reasonable advance notice to such institution of any planned assembly, picketing or demonstration upon the grounds of such institution, its proposed locate and intended purpose, provided, however, that the giving of such notice shall not be made a condition precedent to any such assembly, picketing or demonstration and provided, further, that this provision shall not supersede or preclude the procedures in effect at such institution for obtaining permission to use the facilities thereof

5. Penalties. A person who shall violate any of the provisions of these rules (or the rules of any individual institution supplementing or implementing these rules) shall:

- (a) if he/she is a licensee or invitee, have his/her authorization to remain upon the campus or other property withdrawn and shall be directed to leave the premises. In the event of his/her failure or refusal to do so, he/she shall be subject to ejection.
- (b) if he/she is a trespasser or visitor without specific license or invitation, be subject to ejection.
- (c) if he/she is a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning.
- (d) if he/she is a faculty member having a term or continuing appointment, be guilty of misconduct and be

subject to dismissal or termination of his/her employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.

- (e) if he/she is a staff member in the classified service of the civil service, described in section 75 of the Civil Service Law, be guilty of misconduct, and be subject to the penalties prescribed in said section.
- (f) if he/she is a staff member other than one described in subdivisions (d) and (e), be subject to dismissal, suspension without pay or censure.

6. Procedure.

- (a) The chief administrative officer or his/her designee shall inform any licensee or invitee who shall violate any provisions of these rules (of the rules of any individual institution supplementing or implementing these rules) that his/her license or invitation is withdrawn and shall direct him/her failure or refusal to do so, such officer shall cause his/her ejection from such campus or property.
- (b) In the case of any other violator, who is neither a student not faculty or other staff member, the chief administrative officer or his/her designee shall inform him/her that he/she is not authorized to remain on the campus or other property of the institution and direct him/her to leave such premises. In the event of his/her failure or refusal to do so, such officer shall cause his/her ejection from such campus or property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation or to affect his /her liability to prosecution for trespass or loitering as prescribed in the Penal Law.
- (c) In the case of a student, charges for violation of any of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be presented and shall be heard and determined in the manner hereinafter provided in section 535.9 of this Part.
- (d) In the case of a faculty member having a continuing or term appointment, charges of misconduct in violation of these rules (or the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined in accordance with title D or Part 338 of the policies of the Board of Trustees.
- (e) In the case of any staff member who holds a position in the classified civil service, described in section 75 of the Civil Service Law, charges of misconduct in violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined as prescribed in that section.
- (f) Any other faculty or staff member who shall violate any provision of these rules (or the rules of any individual institution supplementing or implementing these rules) shall be dismissed, suspended or censured by the appointing authority prescribed in the policies of the Board of Trustees.

7. Enforcement Program.

- (a) The chief administrative officer shall be responsible for the enforcement of these rules (or the rules of any individual institution supplementing or implementing these rules) and he/she shall designate the

other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.

- (b) It is not intended by any provision herein to curtail the right of students, faculty or staff to be heard on

any matter affecting them in their relations with the institution. In the case of any apparent violation of these rules (or the rules of any individual institution supplementing or implementing these rules) by such persons, which, in the judgment of the chief administrative officer or his/her designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issue that may be presented. In doing so, such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any premises of the institution where their continued presence and conduct is in violation of these rules (or the rules of any individual institution supplementing or implementing these rules).

- (c) In any case where violation of these rules (or the rules of any individual institution supplementing or implementing these rules) does not cease after such warning and in other cases of willful violation of such rules, the chief administrative officer or his/her designee shall cause the ejection of the violator from any premises that he/she occupies in such violation and shall initiate disciplinary action as hereinbefore provided.
- (d) The chief administrative officer or his/her designee may apply to the public authorities for any aid that he/she deems necessary in causing the ejection of any violator of these rules (or the rules of any individual institution supplementing or implementing these rules) and he/she may request the State University counsel to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules.

8. Communication. In matters of the sort to which these rules are addressed, full and prompt communication among all components of the institutional community, faculty, students and administration, is highly desirable. To the extent that time and circumstances permit, such communication should precede the exercise of the authority, discretion and responsibilities granted and imposed in these rules. To these ends, each State operated institution of the State University shall employ such procedures and means, formal and informal, as will promote such communication.

9. Notice, hearing and determination of charges against students.*

- (a) The term chief administrative officer, as used in these rules, shall be deemed to mean and include any person authorized to exercise the powers of the incumbent and for purposes of this section shall also include any designee appointed by said officer.
- (b) Whenever a complaint is made to the chief administrative officer of any State operated institution of the University of a violation by a student or students of the rules prescribed in this Part (or any rules adopted by an individual institution supplementing or implementing such rules) or whenever he/she has knowledge that such a violation may have occurred, if any, and of other persons having knowledge of the facts reduced to writing. If he/she is satisfied from such investigation and statements that there is reasonable ground to believe that there has been such a violation, he/she shall prepare or cause to be prepared charges against the student or students alleged to have committed such violation, which shall state the provision prescribing the offense and shall specify the ultimate facts alleged to constitute such offense.
- (c) Such charges shall be in writing and shall be served on the student or students named therein by delivering the same to him/her or them personally, if possible, or, if not, by mailing a copy of such charges by registered mail to such student or students at his/her or their usual place or places of abode will attending college and also to his/her or their home address or addresses, if different.

- (d) The notice of charges so serviced shall fix a date for hearing thereon not less than 10 or more than 15 days from the date of service, which shall be the date of mailing where necessary to effect service by mail. Failure to appear in response to the charges on the date fixed for hearing, unless there has been a continuance for good cause shown, shall be deemed to be an admission of the facts stated in such charges and shall warrant such action as may then be appropriate thereon. Before taking such action, the hearing committee, herein after referred to, shall give notice to any student who has failed to appear, in the manner prescribed in subdivision (c), of its proposed findings and recommendations to be submitted to the chief administrative officer and shall so submit such findings and recommendations 10 days thereafter unless the student has meanwhile shown good cause for his/her failure to appear, in which case a date for hearing shall be fixed.
- (e) Upon demand at any time before or at the hearing, the student charged or his/her representative, duly designated, shall be furnished a copy of the statements taken by the chief administrative officer in relation to such charges and with the names of any other witnesses who will be produced at the hearing in support of the charges; provided, however, that this shall not preclude the testimony of witnesses who were unknown at the time of such demand.
- (f) The chief administrative officer may, upon the services of charges, suspend the student named therein, pending the hearing and determination thereof whenever, in his/her judgment, the continued presence of such student would constitute a clear danger to himself/herself or to the safety of persons or property on the premises of the institution or would pose an immediate threat of disruptive interference with the normal conduct of the institution's activities and functions; provided, however, that the chief administrative officer shall grant an immediate hearing on request of any student so suspended with respect to the basis for such suspension.
- (g) There shall be constituted at each State operated institution, a hearing committee to hear charges against such students or violation of the rules for maintenance of public order prescribed by or referred to in this Part. Such committee shall consist of three members of the administrative staff and three members of the faculty, designated by the chief administrative officer, and three students who shall be designated by the members named by the chief administrative officer. Each such member shall serve until his/her successor or replacement has been designated. No member of the committee shall serve in any case in which he/she is a witness or is or has been directly involved in the events upon which the charges are based. In order to provide for cases where there may be such a disqualification and for cases of absence or disability, the chief administrative officer shall designate an alternate member of the administrative staff and an alternate member of the faculty, and his/her principal designees shall designate an alternate student member, to serve in such cases. Any five members of the committee may conduct hearings and make findings and recommendations as hereinafter provided. At any institution where the chief administrative officer determines that the number of hearings that will be required to be held is, or may be, so great that they cannot otherwise be disposed of with reasonable speed, he/she may determine that the hearing committee shall consist of six members of the administrative staff and six members of the faculty to be designated by him/her and of six students who shall be designated by him/her. In such event, the chief administrative officer shall designate one of such members as chairperson who may divide the membership of the committee into three divisions, each to consist of two members of the administrative staff, two faculty members and two students and may assign charges among such divisions for hearing. Any four members of each such division may conduct hearings and make recommendations as hereinafter provided.
- (h) The hearing committee shall not be bound by the technical rules of evidence, but may hear or receive any testimony or evidence that is relevant and material to the issues presented by the charges and that will contribute to a full and fair consideration thereof and determination thereon. A student against

whom the charges are made may appear by and with representatives of his/her choice. He/she may confront and examine witnesses against him/her and may produce witnesses and documentary evidence in his/her own behalf. There may be present at the hearing: the student charged and his/her representatives and witnesses; other witnesses; representatives of the institutional administration; and, unless the student shall request a closed hearing, such other members of the institutional community or other persons, or both, as may be admitted by the hearing committee. A transcript of the proceedings shall be made.

- (i) Within 20 days after the close of a hearing, the hearing committee shall submit a report of its findings of fact and recommendations for disposition of the charges to the chief administrative officer, together with a transcript of the proceedings, and shall at the same time transmit a copy of its report to the student concerned or his/her representative. Within 10 days thereafter, the chief administrative officer shall make his/her determination thereon. Final authority to dismiss the charges or to determine the guilt of those against whom they are made and to expel, suspend or otherwise discipline them, shall be vested in the chief administrative officer. If he/she shall reject the findings of the hearing committee in whole or in part, he/she shall make new findings that must be based on substantial evidence in the record and shall include them in the notice of his/her final determination, which shall be served upon the student or students with respect to whom it is made.

** Applies to charges for violation of the rules prescribed by or referred to in this Part heretofore served that have not been finally determined within 60 days after the adoption hereof, which charges shall be referred to the committee constituted pursuant to said section 535.9 for determination in accordance therewith and said section shall apply to all charges for violation of such rules hereafter made, whether for violations hereto/ore or hereafter committed.*

10. Rules for organizations.

- (a) Organizations. Organizations that operate on the campus of any State operated institution or on the property of any State operated institution used for educational purposes shall be prohibited from authorizing the conduct described in subdivision (1) of Section 535.3 of this Part.
- (b) Procedure. The chief administrative officer of each State operated institution shall be responsible for the enforcement of this section, and, as used herein, the term chief administrative officer shall include any designee appointed by said officer.
 - (1) Whenever the chief administrative officer has determined on the basis of a complaint or personal knowledge that there is reasonable ground to believe that there has been a violation of this section by any organization, the chief administrative officer shall prepare or cause to be prepared written charges against the organization, which shall state the provision prescribing the conduct and shall specify the ultimate facts alleged to constitute such violation.
 - (2) Such written charges shall be served upon the principal officer of the organization by registered or certified mail, return receipt requested, to the organization's current address and shall be accompanied by a notice that the organization may respond in writing to the charges within 10 days of receipt of said notice. The notice of charge so served shall include a statement that the failure to submit a response within 10 days shall be deemed to be an admission of the facts stated in such charges and shall warrant the imposition of the penalty described in subdivision (c) of this section. The response shall be submitted to the chief administrative office and shall constitute the formal denial or affirmation of the ultimate facts alleged in the charge. The chief administrative officer may allow an extension of the 10-day response period.

(3) Upon written request by an authorized representative of the organization, the chief administrative officer shall provide the representative organization an opportunity for a hearing. A hearing panel designated by the chief administrative officer shall hear or receive any testimony or evidence that is relevant and material to the issues presented by the charge and that will contribute to a full and fair consideration thereof and determination thereon. The organization's representative may confront and examine witnesses against it and may produce witnesses and documentary evidence on its behalf. The hearing panel shall submit written findings of fact and recommendations for disposition of the charge to the chief administrative officer within 20 days after the close of the hearing.

(4) Final authority to dismiss the charges or to make a final determination shall be vested in the chief administrative officer. Notice of the decisions shall be in writing; shall include the reasons supporting such decision; and shall be served on the principal officer of the organization by mail as described in paragraph (2) of this subdivision within a reasonable time after such decision is made.

(c) Penalties. Any organization that authorized the prohibited conduct described in subdivision (1) of Section 535.3 of this Part shall be subject to the decision of permission to operate on the campus or on the property of the State operated institution used for educational purposes. The penalty provided in this subdivision shall be in addition to any penalty that may be imposed pursuant to the Penal Law and any other provision of law, or to any penalty to which an individual may be subject pursuant to this Part.

(d) Bylaws. Section 64500) of the Education Law requires that the provisions of this Part that prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be deemed to be part of the bylaws of all organizations that operate on the campus of any State operated institution used for educational purposes. The statute further requires that each such organization shall review these bylaws annually with individuals affiliated with the organization.

(e) Distribution. Copies of the provisions of this Part that prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be given to all students enrolled in each State operated institution.