RELATED COLLEGE POLICIES

A) COLLEGE RECORD NOTATION POLICY - NON-ACADEMIC DISCIPLINE
(Revised July 2015)

DISMISSAL: When a student has been dismissed for behavioral reasons, upon notification by the Vice President for Student Affairs, the College Registrar will automatically place the notation "dismissed after a finding of responsibility for a Code of Conduct violation" on the academic transcript. This notation will remain on the academic transcript permanently.

SUSPENSION: When a student has been suspended for behavioral reasons, upon notification by the Vice President for Student Affairs, the College Registrar will automatically place the notation "suspended after a finding of responsibility for a Code of Conduct violation" on the academic transcript. For suspensions related to crimes of violence, hazing or other serious violations, the notation will permanently remain on the transcript. For others, the notation will remain on the academic transcript at least for the period of suspension plus one year. At that time, the student may petition to have the notation removed. The Vice President for Student Affairs may have the notation restored if the individual becomes involved in any disciplinary incident on campus or in any criminal action in connection with the College.

NOTIFICATION: This information will be communicated to the student at the time of the initial suspension/dismissal notification.

DISCIPLINE ACTION PENDING: For alleged policy violations, the Director of Student Conduct can direct that a Banner Hold be implemented for students who withdraw or leave SUNY Cortland prior to disposition of the alleged violation. A notation of "withdrew, with conduct charged pending" will appear on the academic transcript. At the request of the student, arrangements can be made to dispose of the violations during his or her separation. If not, appropriate action will be taken upon the student’s return to SUNY Cortland. The notation will remain on the transcript until appropriate disposition of the violation has been made.

VACATED DECISION: If a finding of responsibility is vacated, for any reason, any such transcript notation shall be removed.

B) PROCEDURES GOVERNING ACADEMIC MISCONDUCT
Excerpt from College Handbook (August 2015)
http://www2.cortland.edu/offices/publications/handbook/

CHAPTER 340: Academic Integrity

340.01 Statement of Academic Integrity
340.02 Violation of Academic Integrity
340.03 Procedures for Handling the Violation of Academic Integrity
340.04 Responsibilities of the Academic Grievance Tribunal in Cases Involving Violation of Academic Integrity
340.05 Responsibility of Administration
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340.01 STATEMENT OF ACADEMIC INTEGRITY

The College is an academic community whose mission is to promote scholarship through the acquisition, preservation and transmission of knowledge. Fundamental to this goal is the institution’s dedication to academic
integrity. Providing an atmosphere that promotes honesty and the free exchange of ideas is the essence of academic integrity. In this setting all members of the institution have an obligation to uphold high intellectual and ethical standards.

It is the responsibility of the faculty to impart not only knowledge but also respect for knowledge. It is also the professional responsibility of all faculty members to explain the importance of honesty and respect for knowledge in order to ensure an academic environment that encourages integrity. To establish such an environment, students must recognize that their role in their education is active; they are responsible for their own learning. Specifically, it is the responsibility of students to protect their own work from inappropriate use by others and to protect the work of other people by providing proper citation of ideas and research findings to the appropriate source. This includes the obligation to preserve all educational resources, thereby permitting full and equal access to knowledge.

This academic community takes seriously its responsibilities regarding academic honesty. Academic integrity is absolutely essential to ensure the validity of the grading system and maintain high standards of academic excellence. In addition, all members of the academic community must exhibit behavior exemplifying academic honesty and encourage such behavior in others.

340.02 VIOLATION OF ACADEMIC INTEGRITY

A violation of academic integrity as an instance of academic dishonesty can occur in many ways. At SUNY Cortland, instances of academic dishonesty are:

1. Plagiarism

Students are expected to submit and present work that is their own with proper documentation and acknowledgment when the work of others is consulted and used. Plagiarism can be intentional by deliberately presenting the work of others as one's own, or inadvertent by accidentally omitting or erroneously citing sources. Examples of plagiarism that can occur in research papers, lab reports, written reports, oral presentations as well as other assignments are:

A. Failure to use quotation marks: sources quoted directly must be shown with quotation marks in the body of the project and with the appropriate citation in the references, notes or footnotes
B. Undocumented paraphrasing: sources "put into one's own words" must have the source cited properly in the body of the project and in references, notes or footnotes
C. Creating false documentation: purposefully presenting wrong information in references or citations or manufacturing false information used in references, notes and footnotes

2. Cheating on examinations

A. Looking and/or copying from another student's paper during an examination or in-class assignment
B. Allowing another student to look or copy from one's work during an examination or in-class assignment
C. Possessing crib sheets, answer sheets and other information not authorized by the instructor during an examination or in-class assignment
D. Writing an answer to an in-class examination or assignment and submitting it as written in class
E. Taking an examination for another student
F. Allowing or arranging for a second party to take an examination or other in-class assignment
G. Allowing one's own work to be copied and submitted by another student
H. Altering or falsifying examination or assignment results after they have been evaluated by the instructor and returned
I. Possessing and using an electronic device such as a cell phone, personal digital assistant or Blackberry device not authorized by the instructor.
3. Other infractions

A. Possessing papers, assignments, examinations, reports, lab reports or other assignments that have not formally been released by the instructor
B. Obtaining a paper or assignment from an online source, paper mill, another student, or other source and submitting it, wholly or in part, as one's own work
C. Possessing work that is similar to another student's, wholly or in part, without permission; allowing one's own work to be copied and submitted by another student.
D. Writing or creating a research paper, written report, lab report or other work for another student
E. Submitting the same work for two different classes without the approval by both faculty members teaching both classes
F. Falsifying College documents
G. Presenting false documents or forged documents
H. Destroying, vandalizing, altering and/or removing library materials without authorization
I. Falsifying data
J. Altering or falsifying another student's data, laboratory work, research, assignments or written materials (updated 8/22/07)

340.03 PROCEDURES FOR HANDLING THE VIOLATION OF ACADEMIC INTEGRITY

Part One: Meeting, Discussion and Conclusion

A. The faculty member discovering the instance of academic dishonesty shall make every attempt to contact the student within five working days of discovery.
B. The student will identify a faculty member to serve as a third party impartial witness to the discussion of the charge of academic dishonesty. Should the student not identify a third party witness, the faculty member will make the choice. (Amended Oct. 4, 2004)
C. Within five days of contact with the student, a meeting is scheduled by the faculty member to discuss the alleged incident of academic dishonesty. The third party witness is to serve as an independent observer and may not address the charges.
D. After the meeting, the faculty member will make a determination of guilty or not guilty. If guilt is decided, the faculty member will assign a penalty.
E. Should the student fail to appear at the meeting, the faculty member will make a determination of guilty or not guilty.
F. If guilt is decided, the faculty member shall fill out the "meeting and response form" identifying the specifics of the charge and the penalty imposed. The report will be forwarded, within five working days of the meeting, to the Academic Grievance Tribunal (AGT) chair.
G. The AGT chair will send a copy of the report to the student who will have two working days to respond. The student response options will be: 1) accept the guilty finding and the penalty; 2) accept the guilty finding but deny the penalty; 3) deny both the guilty finding and the penalty. A student who fails to respond to the report will automatically be found guilty and the penalty will be imposed. No appeals will be given for a failure to respond to the report.
H. The Academic Grievance Tribunal will file the student's response to the report with the faculty member and the third-party witness.
I. Penalties assigned by the faculty may be amended by the Academic Grievance Tribunal (see Part Two of this section for relevant criteria in determining penalties). Notification of emendation must be made to the student and the faculty member within five working days.

Part Two: The Academic Grievance Tribunal

A. A denial of the guilty finding and/or the penalty automatically sets the appeal process in motion. Upon a receipt of the student appeal, the AGT chair shall convene a hearing of the Tribunal.
B. The hearing must be scheduled within 20 working days of the receipt of the appeal by the AGT chair.
C. The student shall receive written notice of the hearing at least five working days before the hearing. The notice will be sent by certified mail and e-mail unless that right is waived in writing by the student. The notice will include:
   1) time and place of the hearing
   2) copy of the evidence and documentation in the file and
   3) notification of student rights and responsibilities during the grievance process.
D. If guilt is established through the hearing, the AGT chair may increase the penalty. The AGT chair shall consider student academic and disciplinary records and consult with the faculty member to develop the additional penalty.
E. The AGT chair will send official notification to the student within five working days of the hearing, with copies to the Provost, the faculty member filing the charge, the department chair and the associate dean for the student's respective department and school, and any other party mentioned in the notification letter. In addition, a copy of the official notification for those majoring in teacher education programs will be sent to the coordinators and TEC Committee on Teacher Education Application Review.
F. The student may appeal the decision of the AGT to the Provost within five working days after official notification. Grounds for appeal are limited to claims of bias, procedural infractions and/or new evidence.
G. The Provost will take final action on appeals within 10 working days of the AGT decision.
H. If a student is found not guilty of the charges at any level of review, all records will be expunged.

Number of days shall be defined as working days, exclusive of College holidays, intersessions and summer. (updated 8/22/07)

340.04 RESPONSIBILITIES OF THE ACADEMIC GRIEVANCE TRIBUNAL IN CASES INVOLVING VIOLATION OF ACADEMIC INTEGRITY

The Academic Grievance Tribunal will hear the following types of cases: 1) cases of students not responding to charges of academic dishonesty 2) cases of students appealing the penalty in a case of academic dishonesty 3) cases of students appealing the guilty finding and the penalty in a case of academic dishonesty. At the conclusion of the hearing, the AGT has the responsibility for finding guilty or not guilty and reviewing the penalty. The AGT chair in consultation with the other faculty members on the Tribunal has the responsibility for reviewing the penalties imposed in cases of academic dishonesty and making emendations as appropriate. It is the responsibility of the AGT chair to amend the procedure in exceptional circumstances.

Procedures

1. A hearing must be held within 20 working days following receipt of the charge. In cases involving charges brought at the end of a semester, the hearing must be held within 20 working days after the beginning of the next semester. (Summer session is not considered a semester.) The AGT chair may under some circumstances postpone the timeline for hearing cases.
2. A student shall receive written notification including: a) the time and place of the hearing, b) supporting evidence, and c) information concerning his or her rights and responsibilities. This information must be received at least five working days in advance of the hearing. The student and third party may also have access to the case materials.
3. All members (or their alternates) must be present for the hearings of the Tribunal, deliberations and decision. (See section 350.02, C4 for composition of the Tribunal.)
4. The student has the right to object to a Tribunal member hearing the case if the reasons are valid (e.g., member is biased, close friend, hostile toward the alleged violator). The validity of the objection shall be determined by the other members of the Tribunal. In cases where a member of the Tribunal is the faculty member who referred the charges, he or she shall be automatically excused from hearing the case.
5. The student charged may choose not to appear at the hearing or may refuse to make a statement to the Tribunal. However, the Tribunal may make its findings in the absence of such appearance and/or statement.
6. The student has the right to respond to all oral and written testimony presented against him or her.
7. The student has the right to present witnesses and evidence to substantiate his or her case. The Tribunal may, at its discretion, reasonably limit the number of witnesses, provided that no individual having direct knowledge of factual issues in the dispute shall be excluded. The hearing is an administrative procedure that involves the College community. Parents and lawyers are therefore not allowed during a hearing.
8. The student must receive written notification of the results of any hearing no later than 10 working days after the hearing. The student must be informed of his or her right to appeal the decision and the deadline dates to appeal the decision. (See Section 340.03 for grounds for appeal).

Failure to Appear

If the student fails to appear at a hearing scheduled in accordance with these procedures and the Tribunal believes the failure is without a justifiable excuse, the student may be considered guilty of the violation alleged against him or her if the available evidence would so indicate. An appropriate sanction may be imposed by the AGT chair. If the student fails to appear, but shows good cause, the Tribunal shall reschedule the hearing in accordance with the guidelines above.

Records of Proceedings

1. A tape-recording shall be made of all AGT hearings (excluding the AGT’s deliberations) and the tape-recording maintained for at least one year following the student’s departure from the College if the charges are sustained. If the charges are dismissed, the tape can be destroyed before that time.
2. At said hearing, both parties shall be given the opportunity to make any oral arguments. Either party may have someone present to provide assistance. Choice of assistance of this type must be left to the individual parties involved, but the assistant must be a member of the SUNY Cortland community. The hearing is an administrative procedure that involves the College community. Parents and lawyers are therefore not allowed to attend a hearing.

Provision shall be made for other regular hearing procedures, e.g., calling and cross-examining witnesses, as found necessary by this Tribunal in its operation.
3. A copy of the Tribunal’s recommendation (i.e., guilt or innocence), along with voting results, is sent to both the student and faculty member within 10 days after the hearing. If the charges that were the subject of the hearing were, in the judgment of the Tribunal, not sustained, all records will be expunged and the faculty member shall assign an appropriate grade. If, however, the charges are sustained, the AGT, in consultation with the faculty member, will assign an appropriate sanction.
4. Potential sanctions for a violation of the College’s policy on academic integrity include, but are not limited to: reduction of grade, elimination of grade, reduction of course grade, failure for the course, probation, suspension, counseling, expulsion from the College or any combination of these sanctions. In those cases where the decision of either the AGT or the provost is for suspension or dismissal, a notation that the student has violated the policy on academic dishonesty shall be made on the official academic record of the student. The student may appeal to the provost to have the notation removed after one year.
5. A student may appeal the decision and/or sanction of the AGT through the Provost and Vice President for Academic Affairs Office within five working days after receiving official notification.

(See Section 340.03 for grounds for appeal).

340.05 RESPONSIBILITY OF ADMINISTRATION

Files of all adjudicated cases of academic dishonesty shall be established and maintained by the Provost and Vice President for Academic Affairs Office. Records of a first cheating incident that results in probation, suspension, or expulsion from the College and/or records for all subsequent offenses shall be placed in a student’s official
academic record. Files of adjudicated cases that were not placed in the student's official academic record shall be destroyed at the time of the student's graduation.

340.06 RESPONSIBILITIES OF FACULTY

1. Faculty members should model academic integrity for their students and engage them in a discussion of academic integrity in their work as students and scholars. Instances of academic dishonesty should be discussed along with the College's policy on academic integrity.
2. Faculty members should conduct all evaluative instruments in a manner that is conducive to maintaining academic integrity.

340.07 RESPONSIBILITIES OF STUDENTS

1. Students are responsible for knowing the policy on academic integrity. Failure of a faculty member to remind a student of what constitutes academic integrity and academic dishonesty will not obviate this responsibility.
2. Students should not provide opportunities for others to obstruct academic integrity.
3. Students should inform a faculty member or member of the administration if any infringement of academic integrity takes place.

(Revised on May 7, 2004 and approved by President Bitterbaum on May 28, 2004)

CHAPTER 350: Academic Grievance System

350.01 Academic Grievance System
350.02 Academic Grievance Procedures

350.01 ACADEMIC GRIEVANCE SYSTEM

A. For the purpose of this procedure, a grievance shall be a complaint of the following:

1. A violation, misinterpretation or inequitable application of an academic rule, regulation, or policy of the College, school or department.
2. Unfair or inequitable treatment by reason of any act or condition that is contrary to established policy or practice governing or affecting a present or former student of this College.
3. Prejudiced, capricious or manifestly unjust academic evaluation.

B. To facilitate this procedure the following general guidelines are provided:

1. A grievance complaint must be initially presented within 60 days of the alleged grievance excluding any intersession and/or vacation.*
2. A grievance complaint must be initiated by the individual affected.
3. Any present or former student may present a grievance complaint, subject to these guidelines.
4. If any grievance complaint originates at the department level or higher, an informal settlement is to be attempted at that level with subsequent appeals to be made in accordance with the procedures outlined below.
350.02 ACADEMIC GRIEVANCE PROCEDURES

A. The Department Level

1. In the case of grievance a student has with an instructor, the student should attempt an informal settlement with the instructor. There may be instances when the student feels s/he needs to involve his or her advisor or department chair in a specific case.
2. If no mutually satisfactory informal settlement can be reached with the instructor, then the student may file a written statement of his or her grievance with the chair of the department in which the grievance occurred. The chair shall hold an informal meeting with the student and the instructor, and make a decision within one week after that meeting.
3. If either party is dissatisfied with the decision made by the department chair, it is the responsibility of the department chair to inform both parties of the next possible recourse, namely to appeal the decision to the dean of the school in which the department is located. Intent to appeal is to be filed, in writing, in the office of the school dean within 10 days after receipt of the department chair's decision.
4. If the grievance is initially with a department chair, then the student is to attempt an informal settlement with the chair. If no mutually satisfactory decision can be reached, then the grievance is to be filed with the school dean as outlined above.

B. The School Level

1. If either party is dissatisfied with the decision made at the departmental level, a written grievance may be brought to the office of the dean of the school in which the grievance occurred within 10 days after receipt of the department chair's decision. The department chair will make available all information relating to the case, his or her decision regarding the case and reasons for his or her decision, and forward statements, arguments, etc. from parties involved in the case.
   *In each case where the number of days is specified for a certain step in the procedure, it is understood that this shall mean working days, exclusive of local college vacations, intersession and summers.
2. The dean shall convene a special hearing for the case with all involved parties present, within 10 days of the written presentation of the grievance subject to the availability of the parties involved. There may be cases when it is mutually agreeable to both parties involved to have a less formalized settlement than a hearing such as this. If this is the case, the grievance will be handled in some other mutually acceptable manner. It shall be the responsibility of the dean to make these alternatives known to all parties involved in the case.
3. Either party involved in a grievance case may have someone (such as a student's advisor or a faculty member's colleague) present to provide him or her with assistance. Choice of assistance of this type is left to the individual parties involved, but the person chosen must be a member of the SUNY Cortland community.
4. After hearing all facts and opinions relevant to the case, the school dean shall make a decision regarding the specific grievance. S/he shall notify, in writing, all parties involved within one week.
5. A copy of the decision and all pertinent materials shall be kept on file in the respective dean's office for at least one year after the student has graduated or left school.
6. It is the responsibility of the dean to inform all parties involved of the next step (should either of them be unhappy with the decision). In this case, the next step is to appeal to the Academic Grievance Tribunal.

C. The Academic Grievance Tribunal (AGT)

1. Should either party be dissatisfied with the decision at the school level, the grievance shall next come before the Academic Grievance Tribunal.
2. Notice of intent to appeal will be filed in the office of the AGT chair, within one calendar week after receipt of the decision of the school dean.
3. In cases where an academic grievance does not fall within the scope of traditional departmental and/or school lines, the AGT shall have original jurisdiction.

4. Composition
   a) Faculty: there shall be one faculty member and one alternate from each school. The method of selecting these members shall be determined by the Faculty Senate. Faculty members will serve staggered three-year terms.
   b) Students: one undergraduate and one graduate student selected from students enrolled in each of the academic schools. These students will be selected by the Student Senate. In cases where the accused is a graduate student, at least one of the two students serving on the AGT must be a graduate student.
   c) Administrator: The provost's designee shall be the administrative representative on the Tribunal, shall also serve as chair of the Tribunal, and shall have the tie-breaking vote.
   d) In the event that a member of the Tribunal is directly involved in a grievance s/he shall relieve himself or herself of his or her vote.

5. Procedures
   a) In all cases arising from an appeal, the grievant shall submit written arguments within 10 days of the filing of his or her notice to appeal.
   b) Upon being notified by the chair of the Tribunal of a pending appeal, the school dean shall forward all records of his or her findings and recommendations, and the reasons for the decisions, to the Tribunal.
   c) A copy of said arguments shall be filed with the Tribunal and a copy sent to the respondent. These materials are available in the office of the AGT chair to the Tribunal members and to the designated assistants.
   d) The respondent then may file written arguments within 10 days of receipt of the grievant's arguments, one copy of which is to be submitted to the Tribunal, and one copy to the grievant.
   e) Within two weeks after the receipt of any written arguments and of the records above, the Tribunal shall notify the parties of the time and place of the hearing.
   f) At said hearing, both the grievant and the respondent shall be given the opportunity to make oral arguments expanding on their written arguments. Either party may again have someone present to provide assistance, as described above in Section B (3). The grievant and the respondent may each communicate with his/her respective assistant throughout the hearing. Provision shall be made for other regular hearing procedures and other provisions as found necessary by this Tribunal in its operations. A tape-recording shall be made of all AGT hearings (establishing facts, but not of the AGT's deliberations) and the tape-recordings maintained for at least one year following the student's departure from the College if the charges are sustained. If the charges are dismissed, the tapes can be destroyed before that time.
   g) The Tribunal shall then render its decision that the grievance will be upheld or denied to the provost and vice president for academic affairs. All members of the AGT will sign the recommendation to the provost. Copies of the Tribunal's recommendation and reasons shall be sent to the grievant, the respondent and the provost and vice president for academic affairs, who shall also receive all other pertinent materials gathered by the Tribunal. Should the final decision of the provost and vice president for academic affairs be different from the Tribunal's recommendation, copies of the provost and vice president's justification shall be sent to the grievant, the respondent and the Tribunal within 10 days of the receipt of the Tribunal's recommendation. The Provost and Vice President for Academic Affairs Office is responsible for seeing that the decision is carried out.
   h) A copy of the provost's decision plus all pertinent materials from the Tribunal shall be kept on file in the Provost and Vice President for Academic Affairs Office for at least one year after the student has graduated or left the College.
   i) A student may appeal the decision and/or sanction through the President's Office within five working days after receiving official notification. Grounds for appeal are limited to claims of bias, procedural
infractions and/or new evidence. Final action on appeals will be taken by the president within 10 working days.

(Policy approved Feb. 5, 1973; amended Nov. 16, 1977. Revised and approved by the Faculty Senate, Jan. 26, 1993 and approved by President Clark, Jan. 29, 1993; Chapter 350.02C amended May 7, 2004 and approved by President Bitterbaum on May 28, 2004)

C) CRIME STATISTICS AVAILABILITY STATEMENT

SUNY Cortland publishes a Campus Security and Fire Safety Report in compliance with Code 20, United States Code Section 1092 (f) the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act and the Code of Federal Regulations (CFR). This document is available from Admissions, University Police, Human Resources, and the Vice President for Student Affairs Office 607-753-4721. A PDF version is available from the University Police web site “Crime Statistics/Reports/Forms.” For information about this act that mandates the distribution of this information, visit www.securityoncampus.org. Web information on campus crime statistics and prevention, patrol information, the emergency blue light phone system and the silent witness program is available at www.cortland.edu/univpolice. For student conduct procedures, student behavior expectation, violation definitions, victim’s rights, violator’s rights, hearing procedures, and potential sanctions, refer to other sections of this publication or visit www.cortland.edu/student-conduct/. Campus crime statistics are available at the US Department of Education’s Web site http://ope.ed.gov/security/.

D) BIAS CRIMES, BIAS-RELATED HARASSMENT, REPORTING BIAS-RELATED INCIDENTS

Victims of bias crime or bias-related harassment can avail themselves of counseling and support services from SUNY Cortland’s Counseling Center (Van Hoenen, Room B-44) 607-753-4728, the Multicultural Life and Diversity Office (Corey Union, Room 407-A) 607-753-2336, residence hall staff for students who live on campus, the Vice President for Student Affairs Office (Corey Union, Room 407-A) 607-753-4721, Student Conduct Office (Corey Union, Room 409-B) 607-753-4725, University Police (Van Hoenen, C-17) 607-753-2111, and the YWCA’s Aid to Victims of Violence (14 Clayton Ave in Cortland) 607-756-6363.

1) Bias-Related Crimes

It is a SUNY Cortland University Police mandate to protect all members of the Cortland 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, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation (ref. New York State Penal Law Article 485.05). For more information on the Penal Law, visit http://ypdcrime.com/penal.law/article485.htm

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.

If you are a victim of or witness to a hate/bias crime on campus, report it to University Police by calling 911 for an emergency, using a Blue Light telephone, calling 607-753-2111, or stopping by the University Police Department, Van Hoenen, C-17. University Police will investigate and follow the appropriate adjudication procedures.

For general information on SUNY Cortland’s security/safety procedures, visit www.cortland.edu/univpolice
and its crime statistics page (click on Reports). A paper copy of the Campus Security and Fire Safety Report is available from University Police, the Vice President for Student Affairs Office, Admissions, and Human Resources or call University Police at 607-753-2112. Information about bias-related and bias crimes, including up-to-date statistics on these crimes is also available from University Police.

2) Bias-Related Harassment

Harassment is considered bias related if the oral, written, graphic or physical conduct is based on race, color, age, religion, national origin, disability, sexual orientation, gender identity or other protected characteristics and is sufficiently severe, pervasive, or persistent so as to interfere or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities. Such bias-related acts may subject the offender(s) to more serious levels of sanctioning.

3) Reporting Bias-Related Incidents

If you have been a victim of a bias-related incident, you can report the information using the online “Bias Related Incident Reporting Form.” Perpetrators of biased-related incidents may face student conduct or human resource action. The faculty or staff person who receives this report will offer support, assistance, and guidance to the victim and will assure that proper campus authorities are notified. A list of campus resources is included at the end of the form.

E) SEXUAL HARASSMENT POLICY (Reference College Handbook Section 860 reprinted here)

860.01 SUNY CORTLAND POLICY STATEMENT
The College is committed to maintaining a learning and working environment which is free of unwelcome conduct of a sexual nature that adversely affects a student’s learning environment or an employee’s working environment.

Harassment on the basis of sex is a form of discrimination and is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the Educational Amendments of 1972. It is also a violation of New York State law, SUNY policy, and SUNY Cortland policy. Sexual harassment may be either subtle or overt.

Sexual harassment includes such categories as seductive behavior, sexual bribery, and sexual coercion. Seductive behavior is unwanted, inappropriate, and offensive physical or verbal sexual advances. Sexual bribery includes the solicitation of sexual activity or other sex-linked behavior by promise of reward or benefit of some kind. Coercion of sexual activity or other sex-linked behavior by threat of punishment is sexual coercion.

860.02 PURPOSE
The purpose of these procedures is to protect the student or employee. The intention is to create a climate in which the student or employee can feel free to discuss sexual harassment concerns short of a formal complaint and to guarantee the student or employee protection from retaliation. At the same time, the procedures recognize that the charge of sexual harassment is a serious one and the student or employee must be protected from false or capricious accusations.

Incidents of sexual harassment are reported at various places – often to the Counseling Center, sometimes to the University Police Department, sometimes to a trusted faculty member, residence hall director, resident assistant, and sometimes to the affirmative action officer. It is important to establish a clearinghouse for these complaints so as to identify patterns of offensive behavior if it exists. Persons hearing complaints are asked to encourage complainants to speak with the affirmative action officer so that the officer can perform this clearinghouse function.

A student or employee may feel free to discuss with the affirmative action officer problems of definition and identification of sexual harassment. At the initial inquiry state, confidentiality to the extent possible will be promised to the student or employee for all internal procedures. If, after informal discussion, the student wishes
to file a complaint, the affirmative action officer will explain the necessary procedural steps.

See also paragraphs 5 and 6 of Section 220.09 of the *College Handbook* - “Code of Ethics,” as it relates to consensual relationships.

**860.03 DEFINITIONS**
See Section 850.01 of the *College Handbook*.

**860.04 PROCEDURES**
Since sexual harassment has been ruled a form of sexual discrimination, the SUNY Complaint Procedure is available to all accusers. The procedure is available for informal resolution of complaints before more formal steps are taken.

Use of the SUNY Complaint Procedure in no way deprives a student or employee of the right to use other internal processes or to file with external enforcement agencies. The SUNY Complaint Procedure in Section M of this document (Chapter 850 of the *College Handbook*).

**F) 860.05 TITLE IX and SUNY Policies on Sexual Violence Prevention and Response**

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It states:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” (Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R., Part 106).

Sex discrimination includes sexual harassment, sexual assault, and sexual violence. Sexual discrimination, harassment, assault, misconduct or violence can take many forms, including any sexual contact that lacks mutual consent, or domestic or dating violence. Sexual harassment may take the form of stalking or the distribution, the display or discussing of any written, graphic, visual or auditory material that is sexual in nature and has the purpose or effect of threatening, intimidating or interfering with a person or person’s ability to study or work. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or gender expression or not conforming to stereotypical notions of masculinity or femininity. All students (as well as other persons) at SUNY Cortland are protected by Title IX – regardless of their sex, sexual orientation, gender identity or expression, part- or full-time status, disability, race, or national origin – in all aspects of SUNY Cortland’s educational programs and activities.

While it is often associated with athletics programs, the Title IX law is much broader and applies to many programs at SUNY Cortland. Oversight of campus-wide compliance with Title IX is the primary responsibility of the SUNY Cortland Title IX Coordinator. Individuals who experience sexual violence including sexual assault or rape, domestic or dating violence, stalking, or sexual harassment, have several reporting options, and the campus is committed to providing resources and referrals to helpful services. Contact information is listed below:

Title IX Coordinator
Miller Building, Room 403
PO Box 2000
Cortland, NY 13045
607-753-4550      Fax: 607-753-5993
For additional Title IX information, see Section 495.03 of the online College Handbook or go to the Title IX website [http://www2.cortland.edu/titleix/](http://www2.cortland.edu/titleix/). The Title IX website contains information on the following:

- Reporting Options
- Options for Confidentially Disclosing Sexual Violence
- Students’ Bill of Rights
- Resources
- Contact Information
- Definitions

- Student Conduct Process Rights
- Protections, Accommodations, and Amnesty
- “It’s on Us” Campaign
- SUNY Policies on Sexual Violence Prevention and Response
- Discrimination Complaint Policy
- Nondiscrimination Notice

It is recommended to visit the website for the most up-to-date information. Several changes have been made regarding associated laws and mandates and more are expected.

SUNY System Policies on Sexual Violence Prevention and Response, linked from the SUNY Cortland title IX website, provide more information on the following:

- Definition of Affirmative Consent
- Policy for Alcohol Drug Amnesty in Sexual Violence
- Campus Climate Assessment Policy
- Students’ Bill of Rights
- Sexual Violence Response Policy
- Options for Confidentially Disclosing Sexual Violence
- Student Onboarding and Ongoing Education Guide

G) GENERAL ALCOHOL POLICY

(1) General Philosophy Regarding Alcohol Use

SUNY Cortland strives to create an academic and psychosocial environment conducive to the intellectual and personal development of its students and to the safety and well-being of all members of the College and surrounding community. This goal is reflected in the alcohol policies and procedures which follow.

SUNY Cortland permits the use of alcoholic beverages on College-operated premises by those who are in compliance with the State law and who adhere to the guidelines established by the College.

More than three-quarters of the student body are under the age of twenty-one, and the College prefers that they not be excluded from activities at which alcoholic beverages are available. Approved precautionary measures are to be taken to prevent alcoholic beverages from being dispensed to such persons.

The College maintains that choosing NOT to drink is as acceptable as choosing to drink. The College expects its citizens who drink to do so responsibly. When excessive drinking or drunkenness occurs, it will be met with disapproval and appropriate sanctions will be imposed for misconduct. Intoxication does not excuse misconduct or infringement upon the rights and property of others.

(2) Policies and Procedures

a. The use of alcoholic beverages must be consistent with the laws of the State of New York. The Alcoholic Beverage Control Law, Section 65, as amended 1989:

1. prohibits the sale of alcoholic beverages to any person under the age of twenty-one;
2. prohibits the provision of and possession with intent to consume alcoholic beverages to any
person under the age of twenty-one;
3. prohibits anyone from inducing the sale of any alcoholic beverage to any person under the age of twenty-one by misrepresenting such person's age;
4. prohibits anyone under the age of twenty-one from purchasing or attempting to purchase an alcoholic beverage through fraudulent means (attempting to obtain alcohol illegally by using a New York State driver's license risks suspension of said license).

b. The following actions constitute violations of College policy:

1. Behavior by an intoxicated person such that he or she becomes a public nuisance.
2. Consumption of alcoholic beverages:
   a. during intercollegiate athletic, intramural and sport club events;
   b. in any building or area owned or operated by the College unless approved by the Alcohol Advisory Committee except as provided in C 1 below.
3. Failure to take reasonable measures to identify underage persons and to ensure that alcoholic beverages are not served to such persons.
4. Failure to provide equally accessible nonalcoholic beverages whenever alcoholic beverages are available.
5. Serving of alcoholic beverages to individuals who are or appear to be intoxicated.

c. Guidelines pertaining to the use of alcoholic beverages on campus and at College events:

1. Individuals:
   Students living in College-operated housing who are 21 years of age or older shall be allowed to possess and consume alcoholic beverages in their rooms, in compliance with New York State law and consistent with other College regulations pertaining to possession and consumption. Students under the age of 21 who reside in a room or apartment with a student 21 years of age or older shall not be allowed to possess or consume alcoholic beverages. No alcoholic beverages shall be permitted in rooms or apartment of students where all residents are under the age of 21, even if a student 21 years of age or older is present. Only quantities and containers appropriate to individual consumption are permitted for private use by students of legal age. The College alcohol policy prohibits empty or full kegs, beer balls, or any other large container of alcoholic beverages designed for consumption by a group of people. The possession of any implement which can be used to ingest alcoholic beverages irresponsibly is prohibited (i.e. funnel). Although students are permitted to entertain friends in their rooms or apartment, College-operated housing is primarily intended for study and sleep and are not designed for loud, crowded parties. Students are responsible for behavior that occurs in their rooms or apartment.

   Incidents where abusive or disruptive behavior is encountered and alcoholic beverages are present will be treated in the following manner:

   It will be assumed that the alcohol is contributing to the disorderly behavior and all alcoholic beverages will be immediately confiscated by the College staff to be returned at some future date if the student is in compliance with State law, but to be legally destroyed if the student is under the age of twenty-one. Refusal to comply with a request to hand over alcoholic beverages under these conditions is a violation of College policy. The individual(s) hosting the disruptive or disorderly gathering in a room will be held responsible for the event and will be subject to appropriate disciplinary action.

2. College-wide:
   The College president will appoint an Alcohol Advisory Committee representing the entire College community. Campus events involving the serving of alcohol will be registered with the Alcohol Advisory Committee before the event occurs. Requests to hold on or off campus events that involve
the serving of alcohol and include underage persons must be filed at least 72 hours (three working days) prior to the event and must receive written approval from the Alcohol Advisory Committee before the event occurs. The Alcohol Advisory Committee will monitor alcohol use at official College events and evaluate compliance with the alcohol policy.

a. Registration should include the following information:

1. A description of the nature of the event.
2. The date, time, and place and expected duration.
3. A description of the kinds and amounts of alcoholic drinks, food, and nonalcoholic beverages to be provided.
4. A mechanism for ensuring that underage persons will not be served or given alcoholic beverages.
5. The name of the person with primary responsibility during the event.

b. Publicity and promotion of College activities will exclude mention of alcoholic beverages.

c. Events at which alcoholic beverages are being served may be terminated if the Building Administrator (or the designee), University Police, or the person having the primary responsibility has reason to believe that the College policy is not being observed or that the situation is becoming uncontrollable.

3. In Corey Union:

a. Corey Union is a “fully licensed premise.” The building must conform to all laws and regulations mandated by the State of New York Liquor Authorities. The licensee is the Auxiliary Services Corporation (A.S.C.). A.S.C. has the sole rights to the purchase and sale of alcohol on the premises. Under the State law, no one except A.S.C. may sell or redistribute alcohol in Corey Union. (Prices of alcoholic beverages in Corey Union will approximate the prices elsewhere in the City of Cortland).

b. Alcoholic beverages for private or closed parties must be purchased from A.S.C. for consumption in the areas approved by the Building Administrator and the Alcohol Advisory Committee. All requests for the use of alcohol in Corey Union must be accompanied by the appropriate facilities request form (available in the Union Business Office) and an alcohol use request form (available in the A.S.C. Office).

(3) Educational Programming

The College commits itself to educating its constituencies regarding alcohol consumption and its physiological, psychosocial, and behavioral effects. Efforts will be made to identify the intrapersonal and interpersonal conditions which foster abusive drinking, and skill development workshops will be offered to assist students in coping with academic, emotional, and social pressures they face.

It is important to recognize that many college students had “negative” role models regarding the consumption of alcoholic beverages. The misuse and abuse of alcohol are prevalent in the United States. Therefore, in addition to the regulatory policies and procedures, the College will conduct educational experiences designed to foster an environment in which people understand and respect the power of alcohol as an intoxicant and learn to use it with care and responsibility.

(4) Problem Drinking

SUNY Cortland offers and supports individual or group counseling for all members of the College community whose alcohol consumption impairs their academic and/or job performance, creates significant
interpersonal conflict or contributes to damaging school or private property. The College's students receive services through student affairs programs, and the faculty/staff are served through employee assistance programs.

(5) Other Drugs
a. The illegal possession and/or use of marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances is in violation of federal and state law. The College will not protect members of the College community from prosecution under the law. Providing information (about the possession, sale, or use of controlled substances) to law enforcement agencies is left completely to the discretion of the individual student, faculty, staff member or administrator. Decisions of this nature are a matter of conscience and individuals making the decision to provide such information can do so with the assurance that they will be supported by the College. In the event that an official investigation occurs, the persons involved will be advised of their rights under the law. Legal counsel will not be provided by the College. The College expects that individuals who choose to possess, sell, or use controlled substances must be prepared to accept complete responsibility for their actions.

b. The College has an obligation to provide its members with information on the medical, psychological, and legal consequences of the use of controlled substances. In addition to formal presentations and informal discussions, audiovisual and print material will be utilized to accomplish this task.

c. Persons with drug problems or dependencies will be encouraged to seek professional assistance though the College Counseling Service, the College Health Service, approved rehabilitation programs, or private sources. The College shall consider conferences with resource persons privileged and confidential, subject to the standards established by the medical and psychological professions within the limits of state and federal laws. (Approved by College Council, May 14, 1983; Revised May 1986, May and June 1987, May 1990, and May 1992).

[Reference: College Handbook, Section 360]

H) AFFILIATION WITH BANNED ORGANIZATIONS
It is a violation of College policy for students to affiliate with organizations that have been permanently banned by the College. The definition of affiliation includes joining, rushing, pledging, or being involved in any activity that would normally be associated with being a member of an organization. Residing in facilities which are owned or controlled by these organizations is also considered affiliation. (Approved by the College Council, May 3, 2000).

I) RECOGNITION OF FRATERNITIES AND SORORITIES SUNY Cortland Policy
Fraternity and sorority colonies/chapters of a national or local organization will be held responsible for positive contributions to the primary educational mission of the College and, therefore, are under an obligation to encourage the most complete personal development of their members, intellectually and socially.

Effective May 1, 1988, only nationally affiliated sororities/fraternities may colonize at State University of New York College at Cortland. Recognition information, procedures and guidance can be obtained through the Campus Activities & Corey Union Office. The vice president for student affairs reserves the right to revoke University recognition if the fraternity or sorority fails to comply with any of the recognition guidelines. (Approved by the College Council May 14, 1988)

No non-transfer student shall rush for a Greek social organization until that student has earned at least 12 credit hours at Cortland and earned a grade point average of 2.0 or better with this verification to occur by Student Affairs after Greek organizations have submitted lists of proposed members to the Campus Activities and Corey Union office. Any Greek organization failing to comply with the above stipulation shall be suspended for a minimum of one year, and any Greek organization failing to submit full required information on this matter shall also be suspended for one year. (Approved by College Council, May 1991).

Transfer students who wish to join recognized Greek organizations during their first semester here are required to
have a minimum of 24 post high school credit hours and have a minimum grade point average of 2.5 for those credit hours. It is the responsibility of each Greek organization to submit a roster to the Campus Activities and Corey Union Office with the names of each first-semester transfer student wishing to join that organization. This roster will include each student’s post high school credit hours and his/her grade point average which will be verified by the Campus Activities and Corey Union Office prior to the student beginning the new member/pledging process. The Campus Activities and Corey Union Office will maintain records of this process.

J) SUNY Cortland HAZING POLICY

(1) General Philosophy Regarding Hazing

The College believes that the participation in any organization includes acting responsibly towards members and future members of that organization. Responsible behaviors are those that show respect for the dignity and self-esteem of all persons. Practices that are physically, emotionally, psychologically, and spiritually damaging to others are not acceptable and will not be tolerated.

(2) Student Organizations and Teams

Organizations covered under the New York State Law on hazing, State University of New York Policies and SUNY College at Cortland Policies include an intercollegiate athletic team, club sport team, fraternity, sorority, association, order, society, club, or service, social or similar group whose members are primarily students at the State University of New York College at Cortland.

(3) Definition of Hazing

Hazing means any intentional, knowing or reckless act occurring on-campus or off-campus, by one person acting alone or with others, directed against a member of the College community that endangers the mental or physical health or safety of that person. Hazing is related specifically to pledging, being initiated into, developing an affiliation with, holding office in, or maintaining membership in any organization or team whose members are or include students at the State University of New York College at Cortland. Hazing can occur regardless of the person’s willingness to participate. Please also refer to the definition of Hazing found in the SUNY Cortland Code of Student Conduct.

The term “hazing” includes but is not limited to:

a. Any type of physical contact or brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body or similar activity.

b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small place, calisthenics or other activities that subject the student to unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student.

d. Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame or humiliation (such as verbal harassment), or adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered with SUNY College at Cortland, or that may reasonably be expected to cause a student to leave the organization or SUNY College at Cortland rather than submit to acts described within this hazing section.

e. Any activity that induces, causes or requires the student to perform a duty or task which involves a violation of the penal code and/or the Code of Student Conduct.
A person commits an offense if the person:

a. engages in hazing;

b. solicits, encourages, directs, aids or attempts to aid another in engaging in hazing;

c. intentionally, knowingly, or recklessly permits hazing to occur.

K) STATE UNIVERSITY BOARD OF TRUSTEES - RULES FOR THE MAINTENANCE OF PUBLIC ORDER (Reference Section 470 of the College Handbook reprinted here)

470.01 Statement of Purpose

The following rules are adopted in compliance with section 6450 of the Education Law and shall 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 nor 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.

470.02 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 students, faculty and other staff, licensees, invitees, and all other persons, whether or not 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 or violation of these rules upon the premises of any such institution other than the one at which he is in attendance shall be heard and determined at the institution in which he is enrolled as a student.

470.03 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 which he has a lawful right to do or to do any act which he has a lawful right not to do.

B. Physically restrain or detain any other person, nor remove such person from any place where he 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 views, including invited speakers.
J. Knowingly have in his possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the 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.
L. Take any action, create, or participate in the creation of any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

470.04 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 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 the giving of reasonable advance notice to such institution of any planned assembly, picketing or demonstration upon the grounds of such institution, its proposed locale 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 nor preclude the procedures in effect at such institution for obtaining permission to use the facilities thereof.

470.05 Penalties

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

A. If he is a licensee or invitee, have his authorization to remain upon the campus or other property withdrawn and shall be directed to leave the premises. In the event of his failure or refusal to do so he shall be subject to ejection.
B. If he is a trespasser or visitor without specific license or invitation, be subject to ejection.
C. If he 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 is a faculty member having a term or continuing appointment, be guilty of misconduct and be subject to dismissal or termination of his employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.
E. If he 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 is a staff member other than one described in subdivisions (d) and (e), be subject to dismissal, suspension without pay or censure.
### 470.06 Procedures for Violations

A. The chief administrative officer or his designee shall inform any licensee or invitee who shall violate any provisions of these rules (or of the rules of any individual institution supplementing or implementing these rules) that his license or invitation is withdrawn and shall direct him to leave the campus or other property of the institution. In the event of his failure or refusal to do so such officer shall cause his ejection from such campus or property.

B. In the case of any other violator, who is neither a student nor faculty or other staff member, the chief administrative officer or his designee shall inform him that he is not authorized to remain on the campus or other property of the institution and direct him to leave such premises. In the event of his failure or refusal to do so, such officer shall cause his 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 nor to affect his 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 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 of the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined in accordance with title D 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 of 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.

### 470.07 Enforcement Program

A. The chief administrative officer shall be responsible for the enforcement of these rules (or of the rules of any individual institution supplementing or implementing these rules) and he 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 upon any matter affecting them in their relations with the institution. In the case of any apparent violation of these rules (or of 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 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 issues which 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 designee shall cause the ejection of the violator from any premises which he occupies in such violation and shall initiate disciplinary action as hereinbefore provided.

D. The chief administrative officer or his designee may apply to the public authorities for any aid which he deems necessary in causing the ejection of any violator of these rules (or of the rules of any individual institution supplementing or implementing these rules) and he 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.
470.08 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.

470.09 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 that office during a vacancy therein or during the absence or disability 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 of any rule adopted by an individual institution supplementing or implementing such rules) or whenever he has knowledge that such a violation may have occurred, he shall cause an investigation to be made and the statements of the complainants, if any, and of other persons having knowledge of the facts reduced to writing. If he is satisfied from such investigation and statements that there is reasonable ground to believe that there has been such a violation he 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 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 or their usual place or places of abode while attending college and also to his or their home address or addresses, if different.

D. The notice of charges so served shall fix a date for hearing thereon not less than 10 nor 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, hereinafter 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 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 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 service of charges, suspend the student named therein from all or any part of the institution's premises or facilities, pending the hearing and determination thereof, whenever, in his judgment, the continued presence of such student would constitute a clear danger to himself 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 students of 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 successor or replacement has been designated. No member of the committee shall serve in any case where he is a witness or is or has
be 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 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 which will be required to be held is, or may be, so great that they cannot otherwise be disposed of with reasonable speed, he 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 and of six students who shall be designated by the members so designated by him. In such event, the chief administrative officer shall designate one of such members as chairman 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 which is relevant and material to the issues presented by the charges and which 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 choice. He may confront and examine witnesses against him and may produce witnesses and documentary evidence in his own behalf. There may be present at the hearings: the student charged and his 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 representative. Within 10 days thereafter the chief administrative officer shall make his 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 shall reject the findings of the hearing committee in whole or in part he shall make new findings which must be based on substantial evidence in the record and shall include them in the notice of his final determination which shall be served upon the student or students with respect to whom it is made.

470.10 Organizations

A. Organizations that operate upon the campus of any State-operated institution or upon the property of any State-operated institution used for educational purposes shall be prohibited from authorizing the conduct described in subdivision (1) section 535.3.

B. Procedure

The chief administrative officer at 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 proscribing 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 ten (10) days of receipt of
said notice. The notice of the charge so served shall include a statement that the failure to submit a response within ten (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) herein. The response shall be submitted to the chief administrative officer 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 ten (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 which is relevant and material to the issues presented by the charge and which 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 the fact and recommendations for disposition of the charge to the chief administrative officer within twenty (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 decision shall be in writing; shall include the reasons supporting such decision; and shall be served on the principal officer of the organization by mail in the manner described in paragraph (2) above within a reasonable time after such decision is made.

C. Penalties

Any organization which authorizes the prohibited conduct described in subdivision (1) of section 535.3 shall be subject to the rescission of permission to operate upon the campus or upon the property of the State-operated institution used for educational purposes. The penalty provided in this subdivision shall be in addition to any penalty which 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 6450 (1) of the Education Law requires that the provisions of this Part which prohibit reckless or intentional endangerment to health or forces 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 which operate upon the campus of any State-operated institution or upon the property 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 which prohibit reckless or intentional endangerment of 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.

I) GREEK STANDARDS BOARD Process and Procedures

Ethical Standards Contract for Greek Standards Board

It is the responsibility of each Greek Standards Board member to observe the following ethical standards:

1. It is important for the Board members to be role models for other members of the College and Greek Community. Therefore, it is an essential that members uphold all Greek Multicultural Council (GMC), Interfraternity Council (IFC), Panhellenic, and College policies, and federal, state, and/or local laws. It is important to show respect, concern and acceptance for each student as a person, and chapter as a student organization.

2. Information regarding any student or chapter disciplinary status is confidential and can not be discussed
with anyone outside of the hearing.

3. Discipline sanctions should reflect an educational philosophy unless stronger punitive sanctions are warranted.

4. When talking with a student or chapter, Board members must refrain from making accusations or statements of any kind that cannot be substantiated. Board members should attempt to gain necessary factual information in an objective manner without communication in a condescending fashion.

5. All decisions by the majority of the Board must be accepted and upheld by all members of the Board.

6. Members sitting on the Board must be in good standing with chapters, national organizations and the College and Greek community (i.e. not on conduct probation). If not, they will be suspended until good standing is regained.

Greek Standards Board

A. Jurisdiction: The Greek Standards Board will have the responsibility of hearing cases involving chapters who have been charged with violating the GMC/IFC and/or Panhellenic policies, College policies, and federal, state, and/or local laws.

1. There is no minimum number of fraternity or sorority members who must be involved in an incident before disciplinary action may be taken against a chapter; in some instances, the misconduct of a single member may provide sufficient grounds for action taken against the entire chapter. By virtue of a 2/3 vote, the Greek Standards Board may refer a case to the Student Conduct Board.

2. A complaint may be considered a matter of referral to the Greek Standards Board whenever the actions of fraternity or sorority members could reasonably be expected to reflect negatively upon, or cause conflict within the College or Greek community.

B. Code of Confidentiality: Board members must exercise care to protect the confidentiality of Standards Board proceedings. Board members may divulge the charges pending against a chapter, the decision of the Board, and the sanctions to any or all Greek councils; all other information must be held in confidence. Specifically, the referral report, the testimony of witnesses, or the deliberations of the Board cannot be discussed outside of the hearing room.

C. Membership:

1. Each Greek chapter or colony shall elect a maximum of two representatives to comprise the Greek Standards Board. The Board makeup for a hearing shall be one representative from each chapter (and the Greek Standards Board Chair). The role of each Board member includes inquiry during the hearing and one vote in the decision making.

2. Membership on the Greek Standards Board shall not be open to the GMC, IFE, and Panhellenic executive officers with the exception of the Panhellenic Standards Chair who will serve as the Greek Standards Board chairperson. An assistant chair shall be selected on a rotating basis to preside over the Board should the Chair be absent.

3. The Board will have one advisor being a representative of the Office of Campus Activities & Corey Union. The advisor will serve as an ex-officio member of the Board. He/she will not participate in voting and will attend all meetings to ensure due process. The representative of the Office of Campus Activities & Corey Union will serve as the hearing referent.

4. Term of membership shall be for one academic year, with the selection process occurring in the spring semester. The representative for the following year will be selected by each organization by April 1. Term of membership will begin in the Fall. Members are eligible for re-election.

5. Eligibility at the time of selection includes:
   a. Minimum cumulative grade point average of 2.2
   b. Members must have been affiliated with their chapters for at least one semester.
   c. If the cumulative GPA falls below a 2.2 at any time, the representative will be released from the Board. An advisor will monitor and notify the board if these criteria are not met.
   d. Members must have completed training in conjunction with the Student Conduct Board.

6. The Greek Standards Board Chairperson will preside at all meetings and will rule on all questions of order and procedure. In this capacity, he/she will schedule hearings, provide appropriate
evidentiary materials, ensure that all involved have been notified of the hearing, read the charges and summarize the relevant information for the record as the first step of the hearing process. This person shall also be responsible for writing referral and recommendation letters. In the case of conflict of interest, or some other unforeseen problem, an Assistant Chair will take over. Conflict of interest includes a hearing involving an individual's chapter. Any member of the Board with a conflict of interest will be required to step down and not be involved in the hearing or deliberations.

7. In the case of a tie in voting by the Board members, the Chair or Assistant Chair (whoever is presiding) will vote to break the tie.

D. **Due Process:** All students appearing before the Greek Standards Board will be granted the following due process rights:

1. An organization has the right to a hearing upon request by the principal officer of the organization.
2. A quorum must be present for all conduct hearings. A quorum for the Greek Standards Board shall be 2/3 of the voting membership of the Board.
3. The principal officer shall receive written notification of the charges against his/her organization and he/she will have ten (10) days from the receipt of the notification letter to respond. The principal officer shall also receive all written report(s) stating the circumstances and allegations involved.
4. Normally, individual discipline cases will be heard within three (3) weeks of the notification of charges unless more time is granted in compliance with a request from the principal officer or circumstances arise which delay proceedings from occurring in this time frame. In cases involving several individuals, more time may be needed for the disposition of the case. The Board will handle such situations as expeditiously as possible.
5. The principal officer has the right to object to a Board member hearing the case if the reasons are valid (e.g. member is biased, close friend, hostile toward the accused, member of the same organization). The validity of the objection will be determined by the Board’s advisor at the time of the Greek Standards Board hearing or when provided with the objection twenty-four (24) hours prior to the hearing. If the objection is found to be valid, the person will be asked to step down from the hearing.
6. The principal officer has the right not to testify against the organization.
7. The principal officer has the right to hear and respond to all testimony presented against the organization. Anonymous witnesses will not be permitted.
8. The principal officer has the right to present witnesses and evidence on behalf of the organization. The number of witnesses who may be called will be determined by the Board.
9. The principal officer has the right to have an advisor present at the hearing and to consult with the advisor. The role of the advisor is not to represent the organization or principal officer. Also, the advisor may not direct communication to anyone at the hearing. The only communication may be with the principal officer. The Board will determine who else may be present at the hearing.
10. The principal officer must be informed of his/her right to appeal the decision on behalf of the organization. The principal officer must also be informed of the legitimate grounds for an appeal.
11. The principal officer will be furnished with a typed notification of the results of a hearing within ten (10) working days after the hearing. Whenever possible, a verbal decision will be rendered and communicated at the end of the hearing.

E. **Procedures:**

1. A written complaint must be filed to ensure the collection of factual information. Incident report forms will be available from Chapter presidents, in the Student Conduct Office, University Police, and from the Greek Standards Board chair. All forms should be submitted to the Office of Campus Activities and Corey Union marked "confidential" and addressed to the Greek Advisor.
2. Complaints will be reviewed by the Advisor to the Board and Chairperson of the Greek Standards Board, to determine if the case warrants the filing of charges or informal action.
3. If a hearing is requested, it will take place at the earliest convenience to the Board on a scheduled hearing night to be set at the beginning of the semester. It is the responsibility of the Advisor to change
the hearing night, if deemed necessary.

4. The principal officer shall (if requested) meet with the Greek Standards Board Chair and the Advisor from the Office of Campus Activities & Corey Union, prior to the hearing, to review the hearing procedures and due process. The actual details of the case cannot be discussed.

F. Hearing Process:
1. All meetings shall be closed to the public.
2. Attendance by the principal officer, a designated representative, and the involved individuals is required. If the parties involved choose not to attend the hearing, or voluntarily leave during the hearing, the case will be heard in their absence. Information obtained, as well as written reports, will be utilized to make a decision. Any sanctions will be communicated to the principal officer.
3. In the case of a Board member's chapter being involved, that member shall remove himself/herself from the hearing.
4. Rights of parties during hearings:
   a. Chapter presidents of the charged fraternity or sorority, colony and/or individual members involved have the right to be present at the hearing. They will be able to listen to and question, through the Chair, all witnesses as well as to examine all evidence, including all written reports presented at the Greek Standards Board hearing.
   b. The parties involved also have the right to call witnesses on their own behalf that have information pertinent to the case (no character references).
   c. The principal officer has the right to have an advisor (e.g., faculty/staff advisor, chapter advisor etc.) present during the hearings. An advisor is not to represent the principal officer. His/her role is simply to advise the fraternity or sorority but not actively participate during the hearing procedures. The Chair will also decide who else may be at the hearing.
   d. The complainant shall have the same rights as the charged, (i.e., the right to call witnesses, and the right to have an advisor present).

G. Sanctions:
The following are guidelines to be used by the Greek Standards Board for the disciplinary sanctions. In all cases the sanctions should fit the infraction.

1. Warning - A written reprimand to the charged chapter and chapter advisor for the violations specified, including notice that repeated violations may be cause for further disciplinary action.
2. Probation - Defined as a period of time during which a chapter must abide by all established policies and regulations, with the knowledge that more severe disciplinary action will be taken as a result of further misconduct.
3. Creative Project(s) - A social service or educational project that will be determined by the Greek Standards Board.
4. Restitution for damages to an organization or to the College.
5. Written notification of the violation to the national headquarters of the offending individual(s) and/or advisory board of the local group. This will happen in all cases in which the organization or individual member is found guilty.
6. Restriction, suspension or expulsion of the chapter from the GMC, IFC and/or Panhellenic activities.
7. Recommendation of loss of College recognition to the vice president for student affairs.

H. Appeals:
1. Appeals, except for recommendations of suspension or loss of College recognition, are processed as follows:
   a. The appeal must be submitted in writing to the Office of Campus Activities & Corey Union within five (5) working days of receipt of the initial decision notification.
   b. The principal officer may request that the case be reviewed as a result of one or more of the following conditions:
      1) Lack of substantial evidence to support the sanction.
      2) Violation of due process rights.
3) Unfairness in the proceedings -- bias or prejudice toward the student(s) or organization.
4) Newly discovered evidence that could change or alter the decision of the Board.

c. An appeal hearing will be scheduled and held by the Greek Standards Board Appeal Committee.
The Board will determine 1) if there are grounds for an appeal and 2) if changes in the sanctions are warranted. The results of the hearing are final and will be communicated in writing.

2. The Greek Standards Board Appeals Committee composition:
   a. director of Student Conduct (or another hearing advisor)
   b. Student Government Association (SGA) vice president (or an executive board member appointed by the president of SGA)
   c. Greek Standards Board Member who did not sit on the case
   d. Greek Council President to which the organization does not belong.
   e. One faculty member

3. The director of Corey Union & conferences may appeal the decision or imposed sanction(s) on behalf of the SUNY Cortland administration. This appeal will be reviewed by the Greek Standards Board Appeal Committee.

4. Recommendations for suspension or loss of recognition are forwarded to and decided upon by the vice president for student affairs. This decision is appealable to the college president and must be submitted in writing within five (5) working days upon receipt of the decision letter from the vice president for student affairs.

   * All of the above shall sit on the Appeals Committee as long as there is not a conflict of interest regarding the case being reviewed.

Amendments: Any amendments to this document must be made by a 2/3 vote of all recognized fraternal organizations. In order to conduct a vote, all member fraternities must be given the written proposal of said charge(s) at least one (1) week prior to the voting meeting. It is important to note that all recommended changes are subject to the College Council's approval.

In cases where the Greek Standards Board is not and/or cannot be constituted, the responsibility for hearing charges levied against an organization will be automatically referred to the Student Conduct Board.

**M) GREEK STANDARDS BOARD VIOLATIONS**

The following are violations that, if allegedly committed by a Greek organization, will lead to an informal action taken by the Greek Advisor or a hearing by the Greek Standards Board.

1. **Physical Detention:** Physically restraining any person(s), or removing such person(s) from any place against their will. Also removing any person(s) from any place where she/he is authorized to remain.

2. **Trespass:**
   a. Uninvited entry into a private building; or
   b. Entering into and remaining in any building or facility for any purpose that would disrupt the normal routine of said facility.

3. **Noncompliance with a Reasonable Request:** Failure to comply with reasonable and lawful requests or directions by a designated City or College official, or interfere with students, faculty, or staff acting in the performance of their official duties.
4. **Infliction or Threat of Bodily Harm:**
   a. Inflicting bodily harm upon any person.
   b. Taking any action for the purpose of inflicting bodily harm upon any person.
   c. Taking any action that creates a substantial risk such that bodily harm could result upon any person.
   d. Threatened use of force upon any person.

5. **Harassment** (some of the following definitions are derived from the NY State Penal Code):
   a. Harassment: Conduct which annoys or alarms another person or group of persons with the intent to harass.
      1. Attempting or threatening to strike, shove, kick, or otherwise subject another to physical contact; or
      2. In a public place, using abusive or obscene language or making an obscene gesture; or
      3. following a person in or about a public place or places; or
      4. engaging in conduct or repeatedly committing acts which alarm or severely annoy another person or group of persons and which serve no legitimate purpose.
   b. Aggravated Harassment: When with the intent to harass, annoy, threaten, or alarm another person or group of persons;
      1. strike, shove, kick, or otherwise subject another to physical contact.
      2. attempt or threaten to strike, shove, kick, or otherwise subject another person to physical contact because she/he is carrying out duties and responsibilities associated with their role as faculty, staff, or student staff at the College.
      3. attempt or threaten to strike, shove, kick, or otherwise subject another person to physical contact because of the race, color, religion, gender, sexual orientation, disability, or national origin of such person.
   NOTE: Aggravated harassment is to be construed as the more serious form of harassment and should be subject to more serious sanctions.

6. **Disorderly Conduct:** Conduct which disrupts or disturbs the normal routine of everyday life such as behavior that is loud, boisterous, or destructive.

7. **Destruction of Property:** Any action that causes damage, destruction, or defacement of property belonging to the College, another Greek organization, or the City of Cortland, or the property of any of its members.

8. **Theft and/or Possession of Stolen Property:** Theft or attempted theft of any property of the College, another Greek organization, the City of Cortland, or any of its members; unauthorized possession of any property of the College, another Greek organization, the City of Cortland, or any of its members.

9. **Misuse of Alcohol:** Failure to follow the established procedures for the possession and consumption of alcohol on campus as outlined by the College Alcohol Policy. A hearing could also result if the College is notified of an organization breaking the NY State Law regarding alcohol due to an off-campus event.

10. **Noncompliance with a College, GMC, IFC, and/or Panhellenic Policies:** Failure to comply with the College, GMC, IFC and/or Panhellenic policy.

11. **Failure to Observe Federal, State, and/or Local Laws:** Conduct which allegedly violates Federal, State, and/or local laws, rules and/or regulations.

12. **Failure to Observe Terms and Conditions:** Failure to observe terms and conditions of any imposed sanction will result in the organizations immediate referral to the Greek Standards Board for further action.
13. **Hazing**: Hazing means any intentional, knowing, or reckless act occur in on- or off-campus, by any one person alone or with others, directed against a member of the College community, which endangers the mental or physical health or safety of that person. Hazing is related specifically to pledging, being initiated into, developing an affiliation with, holding office in, or maintaining membership in any organization or team whose members are or include students at the State University of New York College at Cortland.

There are two types or degrees of hazing:

a. **Hazing, Second Degree**: An organization is guilty of hazing in the second degree when acting as a group or alone, the person(s) intentionally or recklessly engages in conduct which creates a substantial risk of injury to another person. Additionally, an organization is guilty of hazing in the second degree when allowing, encouraging, or condoning activity which may harm or cause a substantial risk of injury to another person.

b. **Hazing, First Degree**: An organization is guilty of hazing in the first degree when acting as a group or alone, the person(s) intentionally or recklessly engages in conduct which creates a substantial risk of injury to another person and thereby causes such injury. Additionally, an organization is guilty of hazing in the first degree when allowing, encouraging, or condoning activity which may harm or cause substantial risk of injury to another person and thereby causes such injury.

14. **Sex Offenses**: An organization is in violation when it participates in or sanctions behavior that forces or coerces someone to have sexual intercourse or to engage in other sexual contact. More specifically:

a. **Sexual Abuse**
   An organization is guilty of sexual abuse when it participates in or sanctions behavior that subjects a person to sexual contact without the latter’s consent.

b. **Sexual Assault**
   An organization is guilty of sexual assault when it participates in or sanctions the act of sexual intercourse or deviated sexual intercourse with another person without the latter’s consent.

NOTE: Lack of consent results from forcible compulsion, incapacity to consent, or any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or implied acquiesce in the actor’s conduct. A person is deemed incapable of consent when that person is mentally defective, mentally incapacitated, physically helpless (whether induced by drugs, alcohol, or otherwise), or asleep.

15. **Rush Infraction**: Failure to comply with rules, regulations, and procedures governing the rush process as outlined by the College Recognition Procedures, the Greek Multicultural Council, the Interfraternity Council and/or the Panhellenic Council.

N) COMPLAINT PROCEDURE for REVIEW OF ALLEGATIONS OF DISCRIMINATION – STATE UNIVERSITY OF NEW YORK (for the most up-to-date version of this document, please see online College Handbook, Section 850).

**850.01 Overview**
SUNY Cortland, in its continuing effort to seek equity in education and employment and in support of federal and state anti-discrimination legislation, has adopted a complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination on the basis of race, color, national origin, religion, age, sex, sexual orientation, disability, veteran status or marital status. Harassment on the basis of any of the above-protected categories is a form of unlawful discrimination. Conduct that may constitute harassment is described in 850.10. For more detailed information, contact the affirmative action officer.
This Complaint Procedure for the Review of Allegations of Unlawful Discrimination provides a mechanism through which the College may identify, respond to, prevent and eliminate incidents of illegal discrimination. The College recognizes and accepts its responsibility in this regard and believes that the establishment of this internal, non-adversarial grievance process will benefit students, faculty, staff and administration, permitting investigation and resolution of problems without resorting to the frequently expensive and time-consuming procedures of state and federal enforcement agencies or courts.

This procedure has been developed in accordance with guidelines and recommendations provided by the Chancellor’s Office of Affirmative Action. The policy is administered by the College’s Affirmative Action Office. The affirmative action officer directs that office and reports directly to the College president and the assistant vice president for human resources. These procedures have been approved by the State University of New York, Office of University Counsel. These procedures are intended to balance the rights of those bringing complaints of discrimination, harassment and retaliation (the “complainant”) with those against whom such claims are brought (the “respondent”). Throughout these procedures the “parties” shall refer to the complainant, respondent and witnesses involved in the complaint.

This procedure may be used by any person who is the victim of discrimination by a SUNY Cortland student or employee. Employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards and any other procedures defined by contract will continue to operate as before. This procedure does not in any way deprive a complainant of the right to file with outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the United States Department of Education and the Office of Federal Contract Compliance of the United States Department of Labor. Contact information for these agencies and more detailed information may be obtained from the Affirmative Action Office.

The complainant is not required to pursue the SUNY internal procedure before filing a complaint with a state or federal agency. In addition, if the complainant chooses to pursue the SUNY internal procedure, the complainant is free to file a complaint with the appropriate state or federal agency at any point during the process. Upon filing with an external agency, however, the SUNY Cortland internal complaint procedure will be terminated and the matter referred to the Office of the University Counsel for review, defense or, if deemed appropriate by counsel, involvement in mediation, conciliation or settlement with the external agency where the complaint was filed, or such other actions as may be in the interests of the College.

During any portion of the procedures detailed hereafter, the parties shall not employ audio or video taping devices.

850.02 CONFIDENTIALITY

Every effort will be made to protect the privacy of all individuals throughout all phases of the complaint and resolution process. Information about complaints or inquiries will be maintained in confidence to the fullest extent possible. However, an investigation will generally include interviewing necessary parties and coordination when necessary with relevant offices.

In responding to complaints, the affirmative action officer will take appropriate action to provide remedies and protect the privacy of all those involved to the fullest extent possible. The affirmative action officer will instruct the parties and all other affected persons that the complaint investigation procedure is best able to achieve a mutually acceptable agreement for resolution of the complaint when confidentiality is not breached. Once breached, it will make it difficult for the affirmative action officer to successfully conclude the complaint investigation process to the satisfaction of the complainant. Additionally, federal law prohibits retaliation. Adverse action taken against any individual who files a complaint, or who assists or participates in any manner in an investigation proceeding, or hearing is against the law.

The complainant and respondent will receive a preliminary report summarizing the complaint and the initial findings of fact.
850.03 JURISDICTION OF THE AFFIRMATIVE ACTION OFFICE

SUNY Cortland is responsible for providing a learning and working environment free of discrimination. The College reserves the right to pursue any complaint of discrimination about which it becomes aware. Based on information received by the Affirmative Action Office, the affirmative action officer or designee may exercise his/her own discretion and initiate a complaint on behalf of the College community.

In addition, the Affirmative Action Office may determine that a specific complaint of unlawful discrimination or harassment is of such a serious or potentially criminal nature that the investigative steps outlined in this process should be accelerated or eliminated. This determination, if made, shall be communicated to the Human Resources Office for appropriate action, which may include the initiation of disciplinary and/or other action.

If, at any time during the course of resolving or investigating a complaint of discrimination, the affirmative action officer or designee determines that a complaint is not within the jurisdiction of the office, the complaint and complainant shall be referred to the appropriate office and the matter shall be considered concluded for the purposes of the Affirmative Action Office.

850.04 ROLE OF THE AFFIRMATIVE ACTION OFFICER

The affirmative action officer is trained in investigating and resolving complaints. The officer is available for assistance in filing the complaint with the College and will remain impartial during an investigation. The Affirmative Action Office does not represent any individual or department, but does advocate on behalf of the College’s goals of equal opportunity and nondiscrimination.

The affirmative action officer may receive initial inquiries, reports and requests for consultation and counseling. Assistance will be available whether or not a formal complaint is contemplated or even possible. It is the responsibility of the affirmative action officer to respond to all such inquiries, reports and requests as promptly as possible and in a manner appropriate to the particular circumstances. An individual may refuse to reduce a complaint to writing. However, notwithstanding that refusal, there may be a continuing obligation on the part of the campus to investigate the verbal complaint to the best of its ability and proceed with any action that is warranted. Although in certain instances verbal complaints may be acted upon, the procedures set forth here rest upon the submission of a written complaint that will enable the affirmative action officer to conduct a full and fair investigation of the facts.

The Affirmative Action Office shall solicit information concerning any factors that might prejudice an objective evaluation of the evidence and shall reassign an investigation if a conflict or potential conflict emerges.

850.05 SUPERVISORY RESPONSIBILITY

Complaints or concerns that are reported to an administrator, manager or supervisor concerning an act of discrimination or harassment shall be immediately referred to the affirmative action officer.

850.06 RETALIATION

An employee or student who participates in the procedure has the right to do so without fear of or actual retaliation. It will be made clear that retaliation against an employee or a student who has filed a discrimination complaint or an individual who serves as a witness will result in appropriate sanctions or other disciplinary action as covered by collective bargaining agreements, and/or applicable College policies.

850.07 WHO CAN FILE A COMPLAINT

Employees may file a written complaint with the affirmative action officer within 90 calendar days following the alleged discriminatory act or the date on which the complainant first knew or reasonably should have known of such act. Complainants may complete an intake form, available from the Affirmative Action Office, to initiate an investigation. Students must file a complaint within 90 calendar days following the alleged discriminatory act or 90 calendar days after a final grade is received for the semester during which the discriminatory acts occurred, if that date is later.
It is the complainant's responsibility to be certain that any complaint is filed within the applicable 90-day period. In the event that the complainant would be barred under these procedures, the complainant may contact the Affirmative Action Office with regard to other avenues of recourse that may be available.

If a complainant elects to withdraw a complaint, this decision must be communicated in writing to the affirmative action officer indicating the reason for withdrawal. The College may nevertheless pursue its review of the allegations.

850.08 AGAINST WHOM MAY COMPLAINTS BE BROUGHT?
A complaint of unlawful discrimination may be brought against any student or employee. If the complaint concerns behavior by a vendor or contractor or some other individual who may not be a member of the College community, but who may have an affiliation or a recognized connection to SUNY Cortland, the concerns may be brought to the attention of the affirmative action officer for assistance.

If the president is the respondent, the affirmative action officer reserves the right to refer the complaint to the Office of University Counsel. The finding and recommendation shall be submitted to the chancellor or a designee. If the affirmative action officer is the respondent, the matter shall be referred to the president or a designee.

If a student is the respondent, the affirmative action officer will refer the complaint to the Student Conduct Office for review, investigation and appropriate action under the appropriate student conduct code.

850.09 PROCEDURE FOR RESOLVING COMPLAINTS

A. Complaint Consultation and Review

Any member of the College community may consult with the affirmative action officer regarding potential discrimination or harassment. The length of time for the consultation varies depending on factors such as the complexity of the situation, office workload, or whether the situation involves actual or imminent loss of employment or academic standing, potential physical harm, or an ongoing relationship between the involved individuals. In a telephone conversation or in-person appointment, the affirmative action officer will:

• receive complaints of alleged discrimination or harassment,
• discuss the facts of the situation and help the individual identify the problem(s),
• assist the complainant in the use of the complaint form to define the charge,
• determine if the Affirmative Action Office is the appropriate College resource to address the concern,
• inform the individual of the ways in which the Affirmative Action Office approaches the investigation and problem solving,
• explore methods of resolving the situation on one's own, if that is the individual's preference,
• advise an individual of alternate available College resources and external options for resolution,
• provide the complainant with information about the various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with each agency.

The affirmative action officer will ask a complainant to participate in an initial interview. During the initial contact known as the intake interview, the complainant will be:

• asked to complete an Intake and Information Sheet (The complainant may be asked to have this completed prior to the Intake Interview.),
• interviewed about the allegations so that the charge may be clearly stated,
• asked to provide information about witnesses and other possibly aggrieved persons,
• advised of the office's intake procedures to enhance the complainant(s) understanding and to facilitate realistic expectations as to the role of the office,
• referred to a proper College department/agency if the complaint does not fall within the jurisdiction of the Affirmative Action Office,
• advised of the protection against retaliation,
• advised of the College’s policy on confidentiality,
• advised of the option to file a complaint with one of the external federal/state investigative agencies at any time.

B. Each Party’s Rights and Responsibilities

The College’s formal review procedures are not designed to replicate an external judicial process.

Consequently:

• Complainants and respondents are expected to meet with the affirmative action officer as requested and needed.
• Legal counsel retained by a complainant or respondent may not participate or be present at any meeting convened by the affirmative action officer.
• Complainants are expected to communicate with the affirmative action officer either directly or with the assistance of a person serving in an advocacy or supportive role, but not through legal counsel.
• Respondents are expected to communicate with the affirmative action officer directly, not through legal counsel, other intermediaries or persons accompanying them.
• Complainants and respondents have the right to receive notification of determinations and findings made by the affirmative action officer.

Should the Affirmative Action Office determine that a complaint of unlawful discrimination merits further review, the affirmative action officer will immediately commence an investigation. The complaint shall contain:

(a) The name, local and permanent address(es), and telephone number(s) of the complainant.

(b) A statement of facts explaining what happened and what the complainant believes constituted the unlawful discriminatory acts in sufficient detail to give each respondent reasonable notice of what is claimed against him or her. The statement should include the date, approximate time and place where the alleged acts of unlawful discrimination or harassment occurred. If the acts occurred on more than one date, the statement should also include the last date on which the acts occurred as well as detailed information about the prior acts. The names of any potential witnesses should be provided, if appropriate.

(c) The name(s), address(es) and telephone number(s) of the respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination.

(d) Identification of the status of the persons charged whether faculty, staff, student or persons otherwise affiliated with the College.

(e) A statement indicating whether or not the complainant has filed or reported information concerning the incidents referred to in the complaint with a non-college official or agency, under any other complaint or complaint procedure. If an external complaint has been filed, the statement should indicate the name of the person or department or agency with which the information was filed and its address or to which it was reported.

(f) Other supplemental information as may be requested.

If the complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the affirmative action officer may terminate any further processing of the complaint, refer the complaint to University Counsel or direct the complainant to the appropriate alternative forum or to the list of External Enforcement Agencies available from the Affirmative Action Office.
C. Investigative Procedures

If a complainant elects to have the matter dealt with in an informal manner, the affirmative action officer will attempt to reasonably resolve the problem to the mutual satisfaction of the parties. If these efforts are not successful, and the affirmative action officer has determined that the complaint merits further investigation, the complainant and respondent shall be advised in writing of the initiation of an investigation. During the investigation the affirmative action officer will:

- provide an initialed, signed, date-stamped copy of the complaint to the complainant,
- review all College records that concern the complaint,
- interview witnesses and other relevant persons,
- review statements provided by the complainant and the respondent(s),
- review other relevant and material evidence,
- take all reasonable steps necessary to complete the investigation within ninety (90) calendar days after receipt of the complaint. If such is not possible, the affirmative action officer may extend this deadline for a reasonable period of time. The complainant will receive notification from the Affirmative Action Office regarding the basis for extension.

D. Failure to Cooperate

If the respondent refuses to cooperate and/or respond in a timely manner, the Affirmative Action Office may forego completion of an investigation and refer the matter to the Human Resources Office, or the office may take any other action it deems necessary and appropriate to address the situation. Failure to cooperate meaningfully in a review of a complaint of discrimination may be grounds for discipline.

E. Inaction by Complainant

If at any time during an investigation, a complainant declines to cooperate with the Affirmative Action Office, or if the office determines that the complainant no longer wishes to pursue his or her complaint, the Affirmative Action Office may consider the matter closed and take no further action or may continue the investigation, if necessary, with appropriate notification.

F. Evaluating the Evidence and Resolution

In reaching its finding, the Affirmative Action Office shall evaluate the conduct alleged to have been discriminatory by considering the totality of the circumstances, including the nature, frequency, intensity, context and duration of the conduct. Although repeated incidents would create a strong claim of discrimination, a serious isolated incident can present sufficient grounds for corrective action.

The Affirmative Action Office shall make every reasonable effort to resolve the matter. Resolution can take any form that is acceptable to the College. It may, for example, take the form of:

- separate meetings with the complainant and respondent,
- joint meetings between the complainant and respondent with the affirmative action officer as facilitator,
- separate and/or joint meetings with the complainant and/or respondent’s supervisor(s),
- a written agreement or memorandum of understanding signed by one or both of the parties,
- mandated training in the area of discrimination for the respondent or departmental unit,
- a verbal counseling session with the respondent,
- a written counseling memo issued to the respondent,
- no further action at the request of the complainant,

This list is not exhaustive and other forms of resolution may be appropriate although they are not listed here.
G. Determination

The affirmative action officer issues a written statement to the complainant and respondent, indicating the finding at the conclusion of the investigation. If a resolution satisfactory to both the complainant and the respondent is reached through the efforts of the affirmative action officer, the affirmative action officer will close the case, sending a written notice to that effect to the complainant and the respondent.

The actions proposed in the finding may consist of:

1. A determination that the complaint was not substantiated.

If the affirmative action officer determines that there is insufficient credible evidence to support the allegation(s) of discrimination, the complaint shall be dismissed, the matter shall be concluded, and the College shall take no further action.

2. A determination that the complaint was substantiated.

a. For Employees (including student employees) not in a Collective Bargaining Unit

In consultation with the Human Resources Office and the Office of University Counsel, the president may take such administrative action as he/she deems appropriate under his/her authority as the chief administrative officer of the College, including, but not limited to: termination, demotion, reassignment, suspension, reprimand or training.

b. For Students

The director of student conduct may determine that sufficient information exists and the appropriate student conduct body may take such administrative action as it deems appropriate, including, but not limited to: community service, counseling, reprimand, residence hall suspension, suspension, loss of privileges, restitution or a letter of apology.

c. For Employees in Collective Bargaining Units

The affirmative action officer may determine that sufficient information exists to refer the matter to the Human Resources Office for investigation and disciplinary action or other action as may be appropriate under the applicable collective bargaining agreement including, but not limited to: reprimand, probation, suspension, termination of employment or non-renewal of a contract.

If the president is the respondent, the chancellor or a designee shall issue a written statement indicating what action the chancellor proposes to take. The chancellor’s decision shall be final for purposes of this discrimination procedure.

H. The Affirmative Action Office may:

• Place a confidential written report in its file, subject to applicable law and policy, and disclosure, if required by law.
• Prepare and distribute a written report to the president and any other person designated by the affirmative action officer as a person who has a need to know how the complaint was resolved.
• Refer the matter to another department or administrator in the College for review.

If the affirmative action officer is unable to resolve the complaint to the satisfaction of the complainant, the affirmative action officer shall again notify the complainant of his or her right to separately file with appropriate external enforcement agencies.
There is no right of appeal to this procedure. The affirmative action officer’s decision is considered final for the purposes of this procedure.

850.10 DEFINITIONS AND PROHIBITED ACTS AND BEHAVIORS

Sexual harassment in the employment setting is defined as:

Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when any of the following occurs:

a) Submission to such conduct is made a term or condition of an individual’s continued employment, promotion or other condition of employment.
b) Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.
c) Such conduct is intended to interfere, or results in interference, with an employee’s work performance, or creates an intimidating, hostile or offensive work environment.

Sexual harassment in the educational setting is defined as:

Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student’s ability to participate in or to receive benefits, services or opportunities in the educational institution’s program.

Harassment on the basis of protected characteristic(s) other than sex/gender:

Harassment based on race, color, age, religion, national origin, disability, sexual orientation or other protected characteristics may be oral, written, graphic or physical conduct relating to an individual’s race, color or national origin (including an individual’s ancestry, country of origin or country of origin of the student’s parents, family members or ancestors) or other protected characteristics that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution’s programs or activities, or terms, conditions or status of employment.

To request assistance or additional information:

Affirmative Action Office
SUNY Cortland
Miller Building, Room 403
Cortland, NY 13045-0900
607-753-4550 Fax: 607-753-5993

(Revised complaint form and procedures approved by SUNY Legal Counsel Oct. 30, 2009.)

O) TECHNOLOGY USE POLICIES  Technology use policies can be found by logging in to myRedDragon, click on the “Tech Help” tab, then “Information,” then “Policies.”

P) E-MAIL POLICY  An official College e-mail account is one in which the address ends with “cortland.edu.” All students, faculty and staff are assigned an e-mail address and account while enrolled or employed. Students, faculty and staff are expected to check their e-mail on a frequent and consistent basis in order to stay current with College-related communications. For more information go to www2.cortland.edu/offices/information-resources.