CODE OF STUDENT CONDUCT

2018-2019

Student Conduct Office
Corey Union, Room 409-B
www.cortland.edu/student-conduct
Table of Contents

Preamble ................................................................................................................................. 2
Section One: Definitions ....................................................................................................... 2
Section Two: Student Conduct System Authority ................................................................. 3
Section Three: Jurisdiction .................................................................................................. 4
Section Four: Proscribed Conduct ....................................................................................... 4
Section Five: Violation of Law and College Discipline ..................................................... 12
Section Six: The Student Conduct Office .......................................................................... 12
Section Seven: College Mediation Program ...................................................................... 13
Section Eight: Student Conduct Policies ........................................................................... 13
Section Nine: Student Conduct Bodies and Hearings ........................................................ 15
Section Ten: Due Process Rights ........................................................................................ 17
Section Eleven: Rights of a Reporting Individual .............................................................. 17
Section Twelve: Sanctions .................................................................................................. 19
Section Thirteen: Interim Sanctions .................................................................................... 22
Section Fourteen: Appeals .................................................................................................. 23
Section Fifteen: Summer System ........................................................................................ 25
Section Sixteen: Bylaws ....................................................................................................... 25
Section Seventeen: Disciplinary Files and Records ............................................................ 25
Section Eighteen: Notification of Parents of Disciplinary Action ...................................... 26
Section Nineteen: Interpretation and Revision ................................................................... 26
Preamble

The State University of New York College at Cortland strives to maintain a community that promotes and values the academic experience, institutional and personal integrity, justice, equality, and diversity. The College, therefore, believes in values that foster an environment where people can work, study, and recreate together as a community.

In establishing this community, it is necessary to state behavioral expectations for all students, which promote the values that the College has stated are necessary. The purpose of the Code of Student Conduct (also referred to as the Student Code or Code) is to outline these behavioral expectations, and to provide an explanation of the process involved for responding to allegations of student misconduct, as well as detailing what actions the College shall take in dealing with policy violations.

A student attending SUNY Cortland agrees to be governed by this Student Code, as well as other College policies through their affirmation on BannerWeb (myRedDragon) upon enrollment. The College, through the Student Conduct Office, maintains the exclusive authority to impose sanctions for behaviors that violate the Code of Student Conduct.

All students at SUNY Cortland have access to the Code of Student Conduct. Copies of the Student Code are available from each residence hall staff office, and the Student Conduct Office. This document appears in its entirety in the College publication entitled, Code of Student Conduct and Related Policies and is also accessible on the Internet at www.cortland.edu/student-conduct

Section One: Definitions

A. The term "College" means the State University of New York College at Cortland.

B. The term "student" includes all persons taking courses at the College, both full-time and part-time, pursuing undergraduate or graduate studies, or those individuals who were students at the time of an alleged violation of the Student Code, as well as individuals on College premises for any purpose related to registration for enrollment. Persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the College are considered "students."

C. The term "faculty member" means any person hired by the College to conduct classroom activities.

D. The term "staff" or "staff member" means any person employed by the College performing assigned administrative, professional, or classified responsibilities. NOTE: Classified (non-exempt) employees may only serve as staff justices as volunteers outside normal working hours.

E. The term "College official" includes any person employed by the College performing assigned administrative or professional responsibilities.

F. The term "designated College official" means any person employed by the College and authorized by the College to act in a prescribed manner in accordance with the statutes found in the Maintenance of Public Order applying to the College and in accordance with the Policies of the Board of Trustees of the State University of New York.

G. The term "member of the College community" includes any person who is a student, faculty member, College official, or any other person employed by or affiliated with the College. The vice president for student affairs shall determine a person's status in a particular situation.

H. The term "College premises" includes all land, buildings, facilities, or other property in the possession of or owned, used or controlled by the College including adjacent streets and sidewalks.

I. The term "College property" means all property owned, leased, or on loan to the College.

J. The term "personal property" means anything of value to which a person has legal possession or title.
K. The term "student organization" means any number of persons who have complied with the formal requirements for College recognition by the Student Government Association and/or the Division of Student Affairs.

L. The term "student publication" means written material including, but not limited to, brochures, newspapers and special interest magazines published by students and distributed to the College community.

M. The terms "Student Code" and "Code" shall refer specifically to this document.

N. The term "student conduct officer" means the director of student conduct and/or their designate.

O. The term "student conduct body" means any person or persons authorized by the director of student conduct to determine whether a student has violated the Code of Student Conduct and to impose sanctions when necessary.

P. The term "student conduct hearing advisor" means any individual assigned to advise a student conduct body.

Q. The term "complainant" means any person or persons who have filed disciplinary charges against a student.

R. The term "Reporting Individual" shall encompass the term victim/survivor related to cases of rape, sexual assault, domestic violence, dating violence and stalking. "Reporting Individual" status will also apply to cases where the respondent has been charged with conduct which violates the health and safety of an individual. (See Code Section Four C).

S. The term "accused student" means any student who has been initially identified as a person who has allegedly violated the Code of Student Conduct.

T. The term "respondent" is used to describe an accused student once the conduct process in engaged and charges have been filed.

U. The term "mediation" means a voluntary process in which two or more parties are assisted by a neutral party in identifying and satisfying their interests relative to a dispute. Please note that this option is not available in cases covering Title IX and VAWA.

V. The term "arbitration" means a process in which a dispute is heard by a neutral party who has the authority to make a decision after hearing arguments and reviewing evidence.

W. The term "school day" means a week day when school is in session or non-holiday business day when school is not in session.

X. The term "shall" is used in the imperative sense.

Y. The term "may" is used in the permissive sense.

Section Two: Student Conduct System Authority

A. The director of student conduct shall determine the composition of student conduct bodies (see Section Nine) and the appellate boards and determine which student conduct body, hearing officer, and appellate board shall be authorized to hear each case.

B. The director of student conduct shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings, which are not inconsistent with the provisions of the Code of Student Conduct.

C. Decisions made by a student conduct body and/or administrative hearing officer shall be final, pending the normal appeal process (see Section Fourteen).
D. In some instances, the College may elect to serve as mediator or arbiter of disputes within the student community that do not involve a violation of the Code of Student Conduct. At these times, an administrative hearing officer shall be appointed by the student conduct officer to serve as mediator or arbiter. All parties must agree to the mediation/arbitration, and to be bound by the decision of the mediator or arbiter with no right of appeal (see Section Sixteen, Bylaws).

Section Three: Jurisdiction

Generally, College jurisdiction and discipline shall be limited to conduct that occurs on College property and/or at College-related events, or that adversely affects the College community and/or the pursuit of its objectives. The student conduct officer, in consultation with the vice president for student affairs, will determine when the College will take action for allegations of off-campus misconduct that also violate College policy and/or federal, state and/or local laws, statutes, or ordinances.

Section Four: Proscribed Conduct

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Section Twelve:

A. Conduct That Impacts the Common Good of the Community

SUNY Cortland strives to create an atmosphere that supports the academic mission of the institution. Students should be able to live and learn in an environment that is orderly, peaceful, and free of disturbances that impede an individual’s growth and development. Respect for the rights of others and for the College and its property are essential expectations for each SUNY Cortland student. The following restrictions are seen as necessary for fostering a positive community. The violation of these will result in disciplinary action.

1. **Keys.** Unauthorized possession, duplication, or use of keys (including proximity cards) to any College premises.

2. **Unauthorized Entry.** Unauthorized entry to or use of a College or private room, building, structure, vehicle, or facility.

3. **Disorderly Conduct.** Conduct that is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community.

4. **Dangerous Objects.** Illegal or unauthorized possession of any firearms, explosives, other weapons, or dangerous chemicals, whether in proper working condition or not. Those in possession of any dangerous objects must contact the University Police Department for authorization.

5. **Safety Regulations.** Including but not limited to:
   a. Falsely reporting a bomb, fire, or any other emergency by means of activating a fire alarm or by any other means.
   b. Unauthorized possession, use, or alteration of any College-owned emergency or safety equipment.
   c. Failure to evacuate a building or other structure during an emergency, or during emergency drills.
   d. Actions that create a substantial risk such that the safety of an individual is compromised.

6. **Arson.** Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances.

7. **Disruption.** Including but not limited to:
a. Disruption or obstruction of teaching, research, administration, or other College activities, including its public-service functions on or off campus, or other authorized non-College activities, when the act occurs on College premises.
b. Leading or inciting others to disrupt scheduled and/or normal activities associated with the operations of the College; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
c. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.

8. **Failure to Abide by Federal, State, and/or Local Laws.** Violation of federal, state, and/or local laws.

9. **College Policies.** Violation of published College policies, rules, and regulations. NOTE: For example, affiliating with a permanently banned organization is a violation of a college policy. See the SUNY Cortland College Handbook for more information. [http://www2.cortland.edu/offices/publications/handbook/](http://www2.cortland.edu/offices/publications/handbook/)

10. **Solicitation and Posting.** All selling and soliciting of merchandise and services in the residence halls is prohibited. Also prohibited is the advertising of such solicitation or sale, as well as any posted materials in common areas that are not specifically approved by the Residence Life and Housing Office.

**B. Conduct Associated With Personal Responsibility and Integrity**

The SUNY Cortland community strongly promotes a personal values system that focuses on each person taking responsibility for their own actions, and on maintaining dignity and truth. The following restrictions outline the parameters within which each individual shall be held responsible. The violation of these will result in disciplinary action.

1. **Acts of Dishonesty.** Including but not limited to:
   a. Providing false information to any College official, faculty member or office.
   b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
   c. Tampering with the election of any College recognized student organization officer.
   d. Aiding, abetting, or procuring another person to violate a College policy.
   e. Policies regarding academic dishonesty are not covered by this Code. For more information on academic dishonesty, see the [Code of Student Conduct and Related Policies](http://www2.cortland.edu/offices/publications/handbook/).

2. **Student Identification.** Manufacture, sale, possession or use of altered or another person's documents, including those used for identification either on campus or in the College community. Failure to show proper student identification or other identification to any faculty, staff, or student staff in the performance of their official duties. All students are required to carry their identification with them at all times.

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

4. **Damage to Property.** Any action that causes damage or which would tend to cause damage to the property of the College or property of a member of the College community or other personal or public property.

5. **Theft.** Including but not limited to:
   a. Attempted or actual theft of College property or services or property belonging to any member of the College community.
   b. The unauthorized possession of stolen property, College property, or property belonging to any member of the College community.
   c. Unauthorized use or abuse of computer time and/or computer systems, information, passwords, or computerized data.
d. Obtaining or attempting to obtain telephone service by any devious means, including but not limited to: unauthorized charging of another person for service, utilizing fraudulent mechanical means to gain service, and/or tampering with connections, facilities, or documents.

6. Alcohol Policy. The College is concerned with the use and abuse of alcohol, as it is with other drugs. A person is as responsible for their behavior when they have been drinking as when they have not been drinking. The alcohol policy states that the consumption of alcohol in conjunction with the violation of any College policy can result in a more severe disciplinary sanction. The following guidelines for the responsible consumption of alcohol apply to students at SUNY Cortland:

a. Students less than 21 years of age may not use, possess, distribute, sell or be knowingly in the presence of alcoholic beverages on the college campus or in the Cortland community except as expressly permitted by law and College policy. The only exception is that underage students who reside with students of legal drinking age may be in the presence of alcohol in their assigned student residence hall room, provided these underage roommates do not distribute, sell, possess or consume alcohol. No alcoholic beverages shall be permitted in rooms of students where all residents are under the age of 21, even if a student 21 years of age or older is present.

b. Alcohol may be consumed by students or guests over 21 years of age only in student residence hall rooms if the residents responsible for the room are at least 21 years of age. Students present in a room where any alcohol is being consumed by under 21 year olds are in violation of the alcohol policy. Alcohol may be transported through hallways and via elevators and stairwells but may not be consumed in these places. Consumption includes the possession of an open container.

c. Alcohol may not be consumed in public areas of the residence halls.

d. Consumption of alcohol is not permitted on the grounds of the campus without prior approval of the Alcohol Advisory Committee.

e. Due to the remote location and higher prevalent risk involved in outdoor activities, alcohol is not permitted to be possessed or consumed by any student regardless of age while attending any programs operated at Raquette Lake.

f. Games of chance, drinking games, contests, and other activities that induce, encourage, or result in the rapid consumption of alcohol are prohibited. (eg. Beer pong, flip cup, etc.)

g. Behavior by an intoxicated person such that the individual becomes a public nuisance is prohibited.

h. A student may not provide a minor with any form of alcohol, nor may they knowingly provide access to alcohol for an individual under the age of 21. Allowing minors to consume alcohol on private property is also prohibited except as expressly permitted by law.

i. For more information on policies associated with alcohol use, consult the College Handbook.

7. Drug Policy. Students may not use, possess, distribute or be knowingly in the presence of narcotics or other controlled substances except as expressly permitted by law. Any drug-related violation of College policy will be considered a violation of the Drug Policy.

NOTE: Good Samaritan Policy - Abuse of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. In all instances, the College is concerned that those in need receive prompt medical attention. The College cannot guarantee absolute immunity from sanctions associated with violations of the Code or state and federal law. However, efforts will be made to mitigate sanctions associated with alcohol and other drug offenses for “Good Samaritans.” These considerations apply only to the individual(s) who may have contributed or participated in the use and abuse of alcohol or other drugs, but summoned aid.

8. Abuse of the Student Conduct System. Including, but not limited to:

a. Failure to obey the summons of a student conduct body or College official.

b. Falsification, distortion, or misrepresentation of information before a student conduct body.

c. Disruption or interference with the orderly administration of a student conduct proceeding.

d. Institution of a student conduct proceeding knowingly without cause by filing a false report or statement.

e. Attempting to discourage an individual's proper participation in, or use of, the student conduct system through intimidation or any other means.
f. Attempting to influence the impartiality of a member of a student conduct body prior to, and/or during the course of, the student conduct proceeding.

g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding.

h. Failure to comply with the sanction(s) imposed under the Student Code.

i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

9. **Drug Paraphernalia.** Any items that can be utilized for or are designed for the use of drugs (e.g., bowls, bongs, etc.) are not allowed on campus property. Any items that are fashioned for the purpose of drug use will also be considered a violation of this policy.

10. **Electronic Use Policy.** Misuse or abuse of the college computer system, voice mail or telephone services as defined by the college. This includes but is not limited to:

   a. Unauthorized use or abuse of your computer account, including failure to safeguard User IDs and passwords.

   b. Sending abusive or threatening messages to students, faculty, or staff.

   c. Repeatedly sending messages with no appropriate intent.

   d. Accessing a student or staff account without authorization.

   e. Using a college office account to send messages without authorization.

   f. Failure to comply with college technology policies.

   g. Illegal use including but not limited to illegal downloading, uploading, or use of file sharing programs with regard to copyrighted materials.

11. **Surreptitious Electronic Use.** Any unauthorized use of electronic or other devices to surreptitiously make an audio, video, photographic, or digital record of any person while on College premises without their prior knowledge or without their effective consent when such a recording is likely to cause injury or distress. This includes but is not limited to surreptitiously taking pictures of another person in the locker room or restroom.

12. **Alcohol Paraphernalia.**

   a. The possession of any implement or equipment that can be used to for the rapid consumption of alcoholic beverages is prohibited (e.g., funnels, beer pong tables, etc.)

   b. Empty or full kegs, beer balls, or any other large container of alcoholic beverages designed for consumption by a group of people are prohibited on campus-operated property, except as in conjunction with a campus-sponsored event and approved by the Alcohol Advisory Committee.

C. **Conduct That Violates the Health and/or Safety of an Individual**

   Respect for the rights of personal safety and individual liberties are fundamental expectations of any academic community. The following restrictions are designed to protect the health and/or safety of the individual.

1. **Harassment.** Includes such acts as, but is not limited to:

   a. Attempting or threatening to subject another person to unwanted physical contact.

   b. Stalking any person by any means including by physical, electronic, written or telephonic means.*

   c. Persistent, pervasive, or severe bullying behaviors such as theft or destruction of personal property, public humiliation, intimidating or threatening behaviors.

   d. Directing obscene language or gestures at another person or group of people in a threatening manner.

   e. Bias-Related harassment based on race, color, age, religion, or national origin, disability, sexual orientation, gender identity or other protected characteristics is oral, written, graphic or physical conduct relating to an individual's race, color, gender identity 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. Such bias-related acts may subject the offender(s) to more serious levels of sanctioning.
*Note: Stalking is defined as intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for their safety or the safety of others or causes that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm the individual(s). A course of conduct is two or more acts, including but not limited to acts in which the stalker directly, indirectly or through third parties by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a persons' property. Substantial emotional distress is significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

2. **Hazing.** Any activity that humiliates, degrades, abuses or which endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an 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. NOTE: A person commits a hazing offense if the person engages in hazing; solicits, encourages, directs, aids or attempts to aid another engaging in hazing; or intentionally, knowingly, or recklessly permits hazing to occur. Please also refer to the SUNY Cortland Hazing Policy found under Related College Policies.

3. **Physical Assault.** Including but not limited to:
   a. Inflicting bodily harm upon any person.
   b. Taking any action for the purpose of inflicting harm upon any person.
   c. Threatened use of force upon any person.
   d. Subjecting another person to unwanted physical contact.

4. **Reckless Endangerment.** Taking any action that creates a substantial risk such that bodily harm could result to any person. These include but are not limited to:
   a. Objects or people on window ledges.
   b. Use of weapons of any kind for any purpose.
   c. Throwing objects, e.g., snowballs.
   d. Use of fireworks.
   e. Jeopardizing the physical or emotional safety of oneself or another.

5. **Rape.** The act of sexual intercourse without affirmative consent (see definition below) or with someone who is incapable of affirmative consent.

6. **Sexual Assault.** Including but not limited to:
   a. Any intentional and uninvited sexually explicit touching, or attempt or threat of such touching.
   b. Any engagement in sexual activity with another person without the individual's affirmative consent.
   c. Sexual Violence including sexual battery and/or sexual coercion.

**NOTE: Definition of Affirmative Consent** - Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

a) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
c) Consent may be initially given but withdrawn at any time.

d) Consent cannot be given with a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

e) Consent cannot be given when it is the result of any coercion*, intimidation, force or threat of harm.

f) When consent is withdrawn or can no longer be given, sexual activity must stop.

*Note: Sexual Coercion is the act of using pressure (emotional and/or verbal), alcohol, or drugs in a persistent manner in order to wear down a victim making them feel obligated to engage in sexual activity with another person when they had already refused or would be doing so against their will.

7. **Sexual Harassment.** Sexual harassment in the educational setting is a form of discrimination on the basis of sex which includes unwelcome sexual advances, requests for sexual favors, or verbal, non-verbal, or physical conduct of a sexual nature which denies or limits a student's ability to participate in or to receive benefits, services and opportunities in the College's programs. Conduct of a sexual nature (verbal, non-verbal, or physical), which creates an intimidating, hostile, or offensive environment is prohibited.

**Note: Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases**
The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Cortland recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Cortland strongly encourages students to report incidents of domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to College officials or law enforcement will not be subject to SUNY Cortland's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

8. OMITTED

9. **Dating Violence.** Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

10. **Domestic Violence.** Domestic violence is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

**Students' Bill of Rights**
The State University of New York and SUNY College at Cortland are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:
All students have the right to:
1. Make a report to local law enforcement or state police;
2. Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressures from the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services where available.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
8. Be free from retaliation by the institution, the accused, and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination which shall be considered by a panel, not a single person.
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

Options in Brief:
Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:
• Receive resources, such as counseling and medical attention;
• Confidently or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit www.cortland.edu/titleix/confidential).

• Make a report to:
  • An employee with the authority to address complaints, including the Title IX Coordinator, a Student Conduct employee, or a Human Resources employee;
  • University Police;
  • Local law enforcement; and/or
  • Family Court or Civil Court.

D. Regulations Specific to Residence Hall Living

In attempting to create an environment where learning and daily life can proceed without disruption, it is necessary to establish regulations specifically designed for the unique atmosphere of residence hall living. Regulations, however, are not effective without each resident assuming responsibility for their own actions, and assuming shared responsibility for the environment. The following restrictions have been developed to promote both individual and community responsibility in the residence halls. The violation of these will result in disciplinary action. Regulations may vary from hall to hall. In these instances, proper notification will be given by the residence hall director and/or the Residence Life and Housing Office.

1. Noise Policy. Including but not limited to:

   a. Noise that can be clearly heard outside of one’s immediate residence hall room or excessive noise in a common area (e.g., hallways, bathrooms, lounges, etc.) during established quiet hours.
   b. Noise that infringes on the rights of others to reasonable peace and quiet at any time (Courtesy Hours).
   c. Noise that might infringe on another person’s right to reasonable peace and quiet during hours normally associated with sleeping.

2. Appliances and Cooking. Cooking is not to occur in individual residence hall rooms. Cooking may only occur in areas designated by residence hall staff. All electrical cooking appliances are prohibited. The possession of College-approved polar wave (combination refrigerator/microwave units) constitutes an approved exemption to this policy.
3. **Guest Policy.** All students are responsible for the actions of their guests for any violations committed on College premises, or at College-sponsored or supervised functions. Students are also expected to take reasonable action to prevent their guests from violating College policies. Also, a failure to properly register or sign-in guests or visitors is a violation of this policy.

NOTE: Guests are defined as non-SUNY Cortland students who are visiting and staying overnight. All guests must be registered through the Residence Life and Housing Office. All guests will be issued guest passes, and are expected to carry these at all times. Guests should be accompanied by their hosts at all times.

4. **Visitation.** Students are expected to comply with the visitation option that has been established for each residence hall room. In all cases, a student’s right to have a quiet place to sleep and study takes precedence over utilizing a room for any other reasons.

5. **Pets.** Pets are not allowed in residence halls, with the exception of fish that are kept in bowls that do not require filters, heaters, or lights.

6. **Furniture.** Including but not limited to:
   a. Unauthorized lofts and waterbeds are not permitted in the residence halls.
   b. Furniture that is designated as lounge furniture is not permitted in individual student rooms.
   c. Furniture designated to a specific residence hall room can only be moved out of that room with authorization from residence hall staff.
   d. Non-College furniture items that do not meet fire resistance requirements are strongly discouraged in the residence halls (requirements may be obtained through the Residence Life and Housing Office). Sofas, love seats, and stuffed chairs are prohibited.

7. **Windows.** In order to protect the safety and right to reasonable quiet of students within the residence halls and to protect the safety of those people who pass by the residence halls, the College has created guidelines for students regarding windows. These include but are not limited to prohibitions against:
   a. Sitting or climbing on window ledges.
   b. Removing screens from windows.
   c. Direct yelling or music out of windows.
   d. Throwing, tossing, or dropping items out of windows.
   e. Placing objects (such as antennae) outside of residence hall windows.

8. **Open Flames.** Open flame devices are not permitted in the residence halls. These include, but are not limited to:
   a. Candles
   b. Incense of any kind.

9. **Recycling.** Students are expected to comply with all reasonable requests in regard to recycling.

10. **Gambling.** Social games of chance on equal terms with other participants are permitted. Organized gambling is not allowed in the residence halls.

11. **Other Policies.** Other residence hall policies, as defined by the Director of Residence Life and Housing or their designee. These policies shall be properly communicated to the College community in a timely manner. Examples of DII violations include but are not limited to playing the drinking game "beer pong," possessing alcohol during "dry campus" during the study and final examination period, and violating the 24-hour quiet hours policy during study and final examination period.
Section Five: Violation of Law and College Discipline

A. College disciplinary proceedings may be instituted against a student charged with a violation of a law that is also a violation of the *Student Code*. For example, if both violations result from the same factual situation, without regard to the status of civil litigation in court or criminal arrest and prosecution, proceedings under this *Student Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

B. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of the individual’s status as a student. If the alleged offense is also the subject of a proceeding before a student conduct body under the *Student Code*, however, the College may advise off-campus authorities of the existence of the *Student Code* and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

Section Six: The Student Conduct Office

A. The Student Conduct Office has been delegated the responsibility to administer the student conduct system. The operations of the office shall be the responsibility of the director of student conduct. Responsibilities of the office include but are not limited to:

1. Reviewing complaints and determining charges to be filed pursuant to the *Code of Student Conduct*.
2. Investigating cases and conducting Incident Review Meetings.
3. Determining which student conduct body shall hear each case.
4. Interviewing and advising parties involved in disciplinary proceedings.
5. Supervising the selection, training, and advising of all student conduct bodies.
6. Reviewing the decisions of all student conduct bodies.
7. Resolving disputes and contested issues that arise out of alleged cases of student misconduct.
8. Maintaining all student disciplinary records resulting from enforcement of the *Code of Student Conduct*.
9. Collecting and disseminating data concerning student conduct system actions.
10. Management and supervision of the College’s Mediation Program.

B. The Student Conduct Office shall function with a professional and student staff. This staff shall include but not be limited to:

1. Director of Student Conduct.
2. Associate Director of Student Conduct.
3. Clerical Staff (including an administrative aide and office assistant).
4. Residence Hall Directors assigned to the Student Conduct Office as an outside assignment. The number of residence hall directors and their responsibilities shall be determined annually by the director of residence life and housing and the director of student conduct.
5. Student Conduct Hearing Advisors shall be appointed by the director of student conduct to supervise hearings conducted by the Student Conduct Board and the College Hearing Panel, and may be appointed to supervise administrative proceedings. Student Conduct Hearing Advisors will generally be residence hall directors assigned to the Student Conduct Office, graduate student interns, and other professional staff members.
Section Seven: College Mediation Program

In order to promote understanding and the resolution of disputes without disciplinary implications, the Student Conduct Office shall implement and maintain the College Mediation Program. The director of student conduct, in consultation with the vice president for student affairs and the director of residence life and housing shall outline the parameters of this program and determine how the program shall be operated and staffed. All mediations must be entered into voluntarily by all parties and must meet with the approval of the director of residence life and housing and the director of student conduct. (For more information on mediation, see the Student Conduct System Bylaws, Section Sixteen.)

Section Eight: Student Conduct Policies

A. Charges and Hearings

1. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the student conduct officer, who is in turn responsible for the administration of the student conduct system.

2. The student conduct officer and/or their designee may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively in an Incident Review Meeting by mutual consent of the parties involved on a basis acceptable to the student conduct officer. If the charges cannot be disposed of through an Incident Review Meeting, the student conduct officer and/or their designee may later serve in the same matter as the student conduct body.

3. If the charges cannot be disposed of through an Incident Review Meeting, the student conduct officer shall select one of the following student conduct bodies to resolve the case: Residence Hall Director hearing, Student Conduct Board, College Hearing Panel or Administrative Hearing at the Student Conduct Board or College Hearing Panel level.

4. All charges shall be presented to the accused student in written form. A time shall be set for a hearing, the minimum time limit for notice is determined by the level at which the case shall be resolved (see Section Nine). The student conduct officer may not reduce the minimum time limit for notice without written consent of the accused student.

5. Hearings shall be conducted by a student conduct body according to the following guidelines:

   a. Hearings shall be closed to the public.
   b. Admission of any person to the hearing shall be at the discretion of the student conduct body and/or its Student Conduct Hearing Advisor.
   c. In hearings involving more than one accused student, the student conduct officer, in their discretion, may permit the hearings concerning each student to be conducted separately.
   d. The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused student are responsible for presenting their own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a student conduct body.
   e. The complainant, the accused student, and the student conduct body shall have the privilege of presenting witnesses, subject to the right of questioning by the student conduct body.
   f. Pertinent records, exhibits, and/or written statements may be accepted as evidence for consideration by a student conduct body at the discretion of the Student Conduct Hearing Advisor. All evidence must be submitted by either party not later than 24 hours in advance of the hearing or by 9am on the previous school/business day if a hearing is scheduled on a day following a weekend or holiday. Evidence not submitted within this timeline may be considered with the consent of all parties and the College. Production of substantive evidence submitted after the deadline may lead to a delay of the remainder of the hearing.
g. All procedural questions are subject to the final decision of the chairperson of the student conduct body, in consultation with its Student Conduct Hearing Advisor. Administrative Hearings may be conducted without a Student Conduct Hearing Advisor.

h. After the hearing, the student conduct body shall determine (by majority vote if the student conduct body consists of more than one person) whether the student has violated each section of the Student Code that the student is charged with violating.

i. The student conduct body’s determination shall be made on the basis of whether or not there is a preponderance of evidence that supports the finding of a violation, indicating that it is more likely than not that the accused student violated the Student Code.

j. At the Student Conduct Board and College Hearing Panel levels, there shall be a single, verbatim record, such as a tape recording, of all hearings. The record shall be the exclusive property of the College, and the Student Conduct Office shall establish a policy for an accused student to have access to this record for the purpose of filing an appeal.

k. If any party repeatedly disrupts a hearing, (by shouting, repeatedly interrupting others, or verbally or physically threatening individuals involved in the hearing,) the Student Conduct Hearing Advisor has the right to remove the disruptive individual from the hearing after the individual fails to heed a warning from the Student Conduct Hearing Advisor. The hearing shall continue in the absence of any removed disruptive party.

6. The students as well as the College will need time to prepare for hearings. The College will conduct a timely review of all complaints of rape, sexual assault, domestic violence, dating violence or stalking, where a review and resolution can generally be expected to take place within sixty (60) calendar days from receipt of complaint.

7. All deadlines and time requirements in the Code may be extended for good cause as determined by the Director of Student Conduct. Both the respondent and the complainant will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event. Extensions requested by one party will not be longer than 5 business/school days.

8. If a student accused of violating College policy fails to attend a scheduled hearing, the hearing will be held in the student’s absence, and the student will be assumed to have entered a claim of Not In Violation to each allegation but forfeited their ability to present information on their behalf. Findings and sanctions, if applicable, will be based on the evidence and not upon the accused student’s failure to appear. If the student conduct officer learns that the student’s failure to appear is for good cause, the student conduct officer may grant a new hearing. Otherwise, the decision of the hearing shall stand.

9. Except in the case of a student charged with failing to obey the summons of a student conduct body or College official, no student may be found to have violated the Student Code solely because the student failed to appear before the student conduct body. In all cases, the evidence in support of the charges shall be presented and considered.

10. The student conduct process may be initiated regardless of a student’s current enrollment status. This includes conduct that occurs before classes begin or after classes end as well as during the academic year and during periods between terms of actual enrollment. If a student withdraws from the College, the campus can pursue student conduct process following the withdrawal. Should suspension or dismissal take place as a result of the disciplinary process, these sanctions supersede a withdrawal from the College.

11. If a student who has completed degree requirements is charged with a violation prior to graduation or the conferral of the degree, the student will be ineligible to graduate until student conduct action on the case is completed and eligibility to graduate is confirmed. If the student conduct action results in suspension, the student will be ineligible to graduate until the term of the suspension has been served.
Section Nine: Student Conduct Bodies and Hearings

The College shall establish appropriate student conduct bodies, which may conduct hearings concerning alleged violations of the Student Code, and determine responsibility and appropriate sanctions. These bodies shall include:

A. Residence Hall Director Hearing.

Residence Hall Directors shall be empowered to hear selected cases of alleged misconduct in and immediately around the residence halls. Accused students will be notified in writing of the charges and a time frame to meet with the Residence Hall Director to discuss the case and either accept the sanctions imposed by the RHD or request a hearing. The student will also be informed at that meeting of the procedure for requesting a hearing before the Residence Hall Director, if the student does not accept the finding of the Residence Hall Director. Should the student accept the finding of the Residence Hall Director, the decision will be considered final, without the right to appeal. In sanctioning at this level, Residence Hall Directors will be empowered to impose Residence Hall Probation and recommend to the director of Residence life and housing that a student be moved to another residence hall, as well as imposing other educational sanctions. Residence Hall Directors may impose Disciplinary Probation and room reassignment only in cases involving first offense drug and second offense alcohol. In all Residence Hall Director hearings, the accused student shall be notified of the time and place of the hearing at least two full school days in advance. In cases where the student feels that the Residence Hall Director has a bias against a student, the student may request that another Residence Hall Director hear a case. Such a request must be made to the Residence Hall Director upon initially requesting a hearing. Hearings at this level must occur within two months of the incident in question, except as noted in Section Fifteen.

B. Student Conduct Board.

1. The Student Conduct Board shall be composed of one student and two faculty/staff, drawn from a pool of no fewer than twelve faculty, staff and students, assisted by a Student Conduct Hearing Advisor appointed by the student conduct officer. This Board shall hear cases that involve allegations of misconduct, which occur both on and off campus. In cases where three Board members are not present, two members (one student and one faculty/staff) shall constitute a quorum. The sanctioning ability of the Student Conduct Board shall include all sanctions noted in the Student Code, including the suspension or dismissal. In all Student Conduct Board hearings, the accused student shall be notified of the time and place of the hearing at least four full school days in advance, and shall be provided with the opportunity to meet with a Student Advisor. There is no statute of limitations for infractions that would result in a hearing at this level.

2. Each spring the director of student conduct shall select one justice to serve in the capacity of Chief Justice for the coming academic year. This justice shall serve for the entire academic year, and shall be responsible for meeting with the student conduct officer on a regular basis to review the functioning and concerns of the Student Conduct Board, and shall also participate in the recruitment of new justices.

3. The student conduct officer shall create a Justice Selection Committee each spring to interview and evaluate Student Conduct Board and College Hearing Panel candidates, and make selection recommendations to the student conduct officer. This committee shall be composed of the following: the director and associate director of student conduct, two residence hall directors assigned to the Student Conduct Office; at least three current student justices; and up to two representatives of the Student Government Association, appointed by the SGA Vice President, if SGA opts to participate, and up to two faculty/staff members. The student conduct officer shall be responsible for developing and enacting the selection process and soliciting applications.

4. Each semester the student conduct officer shall appoint one student justice to serve in the capacity of Student Advisor, provided to students accused of violating College policies who have been referred to the Student Conduct Board, or to an Administrative Hearing at that level. No student may serve in this capacity for more than four consecutive semesters.

5. Each semester the student conduct officer shall appoint two student justices, one to serve on the Level One College Appeals Committee and one to serve on the Level Two College Appeals Committee. No student may serve in this capacity for more than four consecutive semesters.
C. College Hearing Panel.

1. The College Hearing Panel shall be composed of three students and two faculty/professional staff members drawn from a pool of no fewer than seven students, four faculty members and four professional staff members. This Panel shall hear cases that involve allegations of very serious misconduct, which occur both on and off campus. A case may be deemed serious if an alleged student has a significant past record or, if found in violation of the charges, the sanctions may result in a recommendation of suspension or dismissal. In cases where five Panel members are not present, two faculty/professional staff and one student will constitute a quorum. The sanctioning ability of the College Hearing Panel shall include all sanctions noted in the Student Code, including suspension or dismissal. In all College Hearing Panel hearings, the accused student shall be notified of the time and place of the hearing at least four full school days in advance, and shall be provided with the opportunity to meet with a Student Advisor. There is no statute of limitations for infractions that would result in a hearing at this level.

2. The student conduct officer shall create a Justice Selection Committee each spring to interview and evaluate Student Conduct Board and College Hearing Panel candidates, and make selection recommendations to the student conduct officer. This committee shall be composed of the following: the Director and Associate Director of Student Conduct, two Residence Hall Directors assigned to the Student Conduct Office; at least three current student justices; and up to two representatives of the Student Government Association, appointed by the SGA Vice President, if SGA opts to participate, and up to two faculty/staff members. The student conduct officer shall be responsible for developing and enacting the selection process and soliciting applications.

D. Administrative Hearing.

An Administrative Hearing may be held at either the Student Conduct Board or College Hearing Panel levels, at the discretion of the student conduct officer, or at the request of the accused student or complainant. In these instances, all procedures will be based on hearing level as described above. The Administrative Hearing Officer shall be a faculty or staff member assigned by the Student Conduct Office.

E. Incident Review Meeting.

An Incident Review Meeting, may be held at any level of the student conduct process if all parties agree to such a resolution, and where the accused student acknowledges violations of the Student Code. In the Incident Review Meeting, the student conduct officer and/or their designee shall review all available information and determine violations of the Student Code and appropriate sanction(s).

1. The accused student shall be notified in writing at least three school days prior to the scheduled Incident Review Meeting. The student conduct officer may withdraw any charge deemed to be without basis.

2. If the substantive facts and sanction(s) can be agreed upon by the student conduct officer and the accused student(s), a student conduct action agreement may be prepared and signed by both. A signed student conduct action agreement shall constitute an acceptance of the finding and sanction(s), as well as a waiver of the right to a hearing. Appeals may be filed to the vice president for student affairs within three school days of the Incident Review Meeting (see Section Fourteen).

3. If the substantive facts and sanction(s) cannot be agreed upon, the matter shall be referred to a hearing.

4. If an accused student fails to appear at a scheduled Incident Review Meeting following proper written notification, the designated student conduct officer may review the evidence in support of the charges and render a decision. Findings and sanctions, if applicable, will be based on the evidence and not upon the accused student's failure to appear. The decision rendered by the student conduct officer may be appealed within three school days of the decision, but cannot be appealed on the basis that the student did not attend the Incident Review Meeting, as a failure to appear constitutes a forfeiture of the right to present information.
5. If the student conduct officer learns that the student’s failure to appear at a scheduled Incident Review Meeting is for good cause, the student conduct officer may reschedule the meeting. The student conduct officer shall be the sole authority for determining the validity of an absence.

Section Ten: Due Process Rights

Students should expect that disciplinary proceedings will be handled fairly. All SUNY Cortland students accused of violating the Student Code shall be granted the following due process rights:

A. A student has the right to a hearing by an unbiased student conduct body.
B. A student has the right to have an advisor present at the hearing.
C. A student has the right to written notice of the charges that indicates the time and place of the hearing. Proper written notification shall be defined as delivery of mail to a student’s on-campus mailbox, hand-delivery by campus staff, delivery of information via electronic message to a student’s assigned campus e-mail account, or delivery by the U.S. Post Office to a student’s local off-campus address. Students shall be held responsible for the contents of mail for which they have refused receipt.
D. A student has the right to receive a copy of the written report or narrative stating the circumstances and allegations involved. This information may be requested by the student in writing or in person at the Student Conduct Office. In instances where a student has requested a hearing following an Incident Review Meeting or Residence Hall Director Meeting, the report shall generally be given to the student at the same time that they receive notification of the time and place of their requested hearing.
E. A student has the right to object to a Board/Panel member or Hearing Officer who is serving in the capacity of student conduct body. The Student Conduct Hearing Advisor will determine the validity of the objection.
F. A student has the right not to present information against themselves.
G. A student has the right to request a continuance of no more than 5 business days. The Director of Student Conduct will determine the validity of the request.
H. A student has the right to hear and respond to all information presented against them. This includes the right to question all parties through the student conduct body.
I. A student has the right to present information and witnesses in their own behalf.
J. A student has the right to written notification of the results of a hearing no later than ten school days after the hearing.
K. A student has the right to appeal the outcome of a hearing, as described in Section Fourteen, Appeals, except in cases of accepted Residence Hall Director decisions. A student must be informed of their right to appeal, and the process by which to do so.

Section Eleven: Rights of the Reporting Individual

SUNY Cortland also provides the following rights to reporting individuals related to our conduct process. A victim has the right:

Student Conduct Process:

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the SUNY Cortland Code of Student Conduct (http://www2.cortland.edu/offices/judaffairs/code-of-conduct.dot) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
  - The same opportunity to be accompanied by an advisor of their choice who may assist and advise parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct (see Bylaws 12.b).
  - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in
conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.

- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College).
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own past mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past sexual violence findings may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction, and the rationale for the decision and any sanctions.
- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.

Student Conduct Office
607-753-4725
Corey Union, Room 409-B
PO Box 2000
Cortland, NY 13045-0900

- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process to be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

When a member of the SUNY Cortland community has been the victim of an alleged act of misconduct that violates the physical and/or mental welfare of an individual, they should expect that the student conduct system shall respond in a caring, sensitive manner that allows them to utilize the student conduct process unimpeded, while still maintaining the rights of the accused student. In cases including but not limited to sexual assault, physical assault, hazing, and harassment, the Student Conduct Office will review each case and will inform individuals when victim status has been
assigned to a reporting individual. In addition to the rights of the reporting individual, the following rights shall be provided to victims of alleged offenses:

A. The right to be treated with dignity and compassion by the student conduct body, and by all persons involved in the disciplinary process.

B. The right to information pertaining to the campus student conduct process and appropriate referrals for information on the criminal process.

C. The right to information pertaining to counseling assistance available to them.

D. The right to expect to be free from intimidation and harassment throughout the student conduct process.

E. The right to request that campus personnel take the necessary steps reasonably available to prevent unwanted contact or proximity with the alleged assailant(s). This could include modification of living arrangements and/or class schedule.

Section Twelve: Sanctions

A. If in the course of the Conduct process, a hearing body determines that conduct violation or behavior was motivated by bias, they may consider it as an aggravating factor when determining sanctions. The following sanctions may be imposed by a student conduct body upon any student found to have violated the Student Code.

1. **Reprimand.** A notice to the student that their actions are inappropriate, and that the individual must act more responsibly in the future. A reprimand also indicates that should the individual again be referred for disciplinary action, their prior disciplinary history will help determine any future sanctions. Sanctions will generally be cumulative.

2. **Provisional Probation.** A notice to the student that their actions are of a serious nature within the residence hall or campus community. Probation shall be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College policies during the probationary period. For those students living on campus, any violation committed during the probationary period will result in a review of the student's housing assignment.

3. **Deferred Residence Hall Suspension.** A definite period of observation and review. If a student is again found responsible for any further College policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, restriction from College-operated housing and housing grounds will be immediately imposed for a definite period of time.

4. **Residence Hall Suspension.** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

5. **Residence Hall Dismissal.** Permanent separation of the student from the residence halls.

6. **Disciplinary Probation.** A notice to the student that their actions are of a serious nature within the College community. This sanction shall be primarily used in cases of serious or consistent policy violations. Probation shall be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College policies during the probationary period. Any violation committed during the probationary period will result in a review of the student's status at SUNY Cortland.

7. **Restrictive Disciplinary Probation.** Disciplinary Probation (see above), with the addition that the student is not eligible to participate in any intercollegiate event and/or major extracurricular activity (e.g., intercollegiate athletics, musical ensembles, student government, Student Conduct Board). This sanction shall be primarily used
where the student conduct body states a concern that, based on specific behavior, the student should not be allowed to represent SUNY Cortland or that the student should be focusing on other matters, including but not limited to academics, personal difficulties, or student conduct sanctions. Upon termination of the period of Restrictive Disciplinary Probation, the lost privileges and eligibility shall be restored automatically, provided the student has complied with the terms and conditions of the probation.

8. **Deferred Suspension.** A definite period of observation and review. If a student is again found responsible for any further College policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, the student will automatically be suspended for a minimum of one semester.

9. **Disciplinary Suspension.** The separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified, pending appeal.

10. **Disciplinary Dismissal.** The permanent separation of the student from the College, pending appeal.

11. **Loss of Privileges.** Denial of specified privileges for a designated period of time. These include, but are not limited to:
   a. A restriction from possessing particular items on campus (i.e., stereos, radios, bicycles, automobiles, sporting items, etc.).
   b. A restriction from hosting visitors and/or guests.
   c. A restriction from being a visitor in or entering a specified residence hall or halls.
   d. A restriction from being in a particular residence hall or halls or being on campus while under the influence of alcohol.
   e. Other restrictions, as approved by the student conduct officer.

12. **Restitution.** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

13. **Mandated Room Reassignment.** A notice that the behavior merits the immediate relocation of the student to another campus residence.

14. **Mandated Counseling Assessment.** The student must attend an assessment and/or session in the Counseling Center by a specific date. Unless otherwise stated by the student conduct body, the student is required to follow all recommendations made by the Counseling Center as a result of the assessment.

15. **Discretionary Sanctions.** Work assignments, community service, and other related sanctions that meet with the approval of the director of student conduct. Other sanctions include but are not limited to:
   a. Letter of apology
   b. Essay or research paper on assigned topic
   c. Disqualification from future housing selection process
   d. Program presentations
   e. Substance education program

16. **Banner Hold.** Failure to complete sanctions by the assigned deadline will result in a “Hold” on a student’s College records. The “Hold” will remain in effect until all assigned sanctions are completed.

B. More than one of the sanctions listed above may be imposed for any single violation.

C. Sanctions will not be devised that infringe upon the rights of students already noted in the **Code of Student Conduct and Related Policies**.

D. Other than Disciplinary Suspension and Disciplinary Dismissal, disciplinary sanctions shall not be made part of the student’s permanent academic record but shall become part of the student’s confidential disciplinary record maintained in the Student Conduct Office.
E. In some instances, a student conduct body may recommend sanctions to the student conduct officer, based on a lack of detailed knowledge of how the sanction will be developed and supervised. In those instances, the sanction may be developed by the student conduct officer, who will determine if the sanction is appropriate, and whether or not to create a new sanction, which is directly proportionate to the recommended sanction. The student conduct officer shall report their sanction back to the student conduct body to ensure consistency.

F. The following terms shall apply to all Disciplinary Suspensions and Disciplinary Dismissals, unless otherwise noted by the vice president for student affairs:

1. The individual is restricted from all College grounds, facilities, classes, activities or related functions for the duration of the separation.

2. The individual must petition the vice president for student affairs to receive permission for any amendment to the restrictions noted in #1.
3. At the discretion of the vice president for student affairs, a student who was suspended may be required to meet specific conditions once readmitted to the College.

G. The following outlines the available sanctions for cases of sexual assault, rape, dating violence, domestic violence and stalking:

1. When an individual is found responsible for sexual assault or rape, the following sanctions are available:
   a. disciplinary dismissal
   b. disciplinary suspension for 10, 9, 8, 7, 6, 5, 4, 3, 2 or 1 semester
   NOTE: In cases of sexual misconduct including sexual assault and rape, when an individual is found responsible, the College will impose a minimum sanction of suspension.
   c. if re-admitted, deferred suspension through graduation upon return
   d. if re-admitted, deferred suspension upon return for 8, 7, 6, 5, 4, 3, 2, or 1 semester upon return
   e. if re-admitted, residence hall dismissal upon return
   f. if re-admitted, loss of privileges upon return
   g. if re-admitted and applicable, extension of restriction of contact with the reporting individual
   h. mandated counseling assessment while suspended

2. When an individual is found responsible for dating violence or domestic violence, the following sanctions are available:
   a. disciplinary dismissal
   b. disciplinary suspension for 10, 9, 8, 7, 6, 5, 4, 3, 2 or 1 semester
   c. deferred suspension through graduation
   d. deferred suspension for 8, 7, 6, 5, 4, 3, 2 or 1 semester
   e. if suspended and re-admitted, deferred suspension through graduation upon return
   f. if suspended and re-admitted, deferred suspension upon return for 8, 7, 6, 5, 4, 3, 2, or 1 semester upon return
   g. if suspended and re-admitted, residence hall dismissal upon return
   h. if suspended and re-admitted, loss of privileges upon return
   i. if suspended and re-admitted and applicable, extension of restriction of contact with the reporting individual
   j. mandated counseling assessment

3. When an individual is found responsible for stalking, the following sanctions are available:
   a. disciplinary dismissal
   b. disciplinary suspension for 10, 9, 8, 7, 6, 5, 4, 3, 2 or 1 semester
   c. deferred suspension through graduation
   d. deferred suspension for 8, 7, 6, 5, 4, 3, 2 or 1 semester
   e. if suspended and re-admitted, deferred suspension through graduation upon return
   f. if suspended and re-admitted, deferred suspension upon return for 8, 7, 6, 5, 4, 3, 2, or 1 semester upon return
g. if suspended and re-admitted, residence hall dismissal upon return
h. if suspended and re-admitted, loss of privileges upon return
i. if suspended and re-admitted and applicable, extension of restriction of contact with the reporting individual
j. mandated counseling assessment
k. restrictive disciplinary probation
l. removal/restriction from residence halls

Please see Student Accounts for information on liability and refunds related to a change in status:
http://www2.cortland.edu/cost-aid/student-accounts-office/refunds-withdrawals/

Section Thirteen: Interim Sanctions

A. In certain circumstances, the vice president for student affairs or their designee may impose a Disciplinary Suspension or other restrictions prior to the hearing before a student conduct body. These circumstances shall relate directly to the institutional concerns outlined in Section Thirteen, C.

B. In certain circumstances, the director of residence life and housing or their designee may impose a Residence Hall Suspension, Mandated Room Reassignment or other restrictions prior to the hearing before a student conduct body. These circumstances shall relate directly to the institutional concerns outlined in Section Thirteen, C.

C. In all cases, Interim Sanctions will be imposed only:

1. To ensure the safety and well-being of members of the community or preservation of College property; or
2. To ensure the student’s own physical or emotional safety and well-being; or
3. If the student poses a definite threat of disruption of or interference with the normal operations of the College.

Both the accused or respondent and the reporting individual shall, upon request, and consistent with our policies and procedures be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim sanction, including potential modification, and shall be allowed to submit evidence in support of their request.

D. When the accused is a student, to obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid and ongoing hostile environment, the reporting individual may contact Student Conduct or Title IX Coordinator.

E. During an Interim Suspension, students shall be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the vice president for student affairs or their designee may determine to be appropriate. Both the accused or respondent and the reporting individual shall upon request and consistent with our policies and procedures, be afforded a prompt review, reasonable under the circumstances of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of their request.

F. When an Interim Restriction of Contact is issued, and the accused and protected person observe each other in a public space, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused and reporting individual shall upon request and consistent with our policies and procedures, be afforded a prompt review, reasonable under the circumstances of the need for and terms of an interim restriction of contact, including potential modification, and shall be allowed to submit evidence of their request.

G. Whenever an interim sanction is imposed, the Student Conduct Office shall convene a hearing at the earliest possible time, pending the normal due process requirements. The interim sanction may remain in effect until a final decision has been reached, including any appropriate appeals process, at the discretion of the vice president for student affairs or their designate.
H. Should an accused student wish to appeal or modify the parameters of an imposed interim sanction, they must do so in writing to the Vice-President of Student Affairs or their designee in writing within 3 business/school days of the receipt of the interim sanction letter. The decision of the Vice-President of Student Affairs or their designee is final.

Section Fourteen: Appeals

A. A decision reached or sanction imposed by a student conduct body may be appealed by the accused student (or by the reporting individual) to the appropriate appeal body within five (5) school days of initial written receipt of the decision. Appeals of Incident Review Meeting decisions must be filed within three (3) school days from the date of the signed student conduct agreement. Such appeals shall be in writing and shall be delivered to the student conduct officer or their designee. The written appeal shall not be longer than 10 double spaced typed pages in length or 2500 words. When a student appeals under “New Evidence” any evidence submitted shall not be counted toward the page limitation. Further, video submissions are not considered as part of written page length and may be submitted.

B. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the proceedings and/or supporting documents for one or more of the following purposes:

1. **Procedural Error.** To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and gave the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations. Deprivation of due process rights shall be considered Procedural Error.

2. **Unsupported Conclusion.** To determine whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.

3. **Disproportionate Sanction.** To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code that the student was found to have committed.

4. **New Evidence.** To consider new evidence, sufficient to alter a decision or other relevant facts not brought out at the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

C. The student conduct body reviewing the appeal may, after reviewing all available information, elect to:

1. Affirm the finding and sanction originally determined.

2. Affirm (or modify) the finding and modify the sanction.

3. Remand the case to the original student conduct body for a new hearing.

4. Dismiss the case.

D. Since deference shall be given to the determinations of student conduct bodies:

1. Sanctions should only be reduced or increased if found to be grossly disproportionate to the gravity of the offense, precedent for similar offenses and/or the accused student’s prior disciplinary record.

2. Cases should be remanded to the original student conduct body if specified procedural errors were so substantial as to effectively deny the accused student a fair hearing.

3. Cases should be dismissed only if the finding of the student conduct body is held to be arbitrary and capricious.
E. The imposition of sanctions will be deferred during the period of appellate proceedings.

F. Appeals of decisions will be reviewed in the following manner:

1. All appeals will be screened by the student conduct officer to ensure they meet the criteria established above for the filing of an appeal. If the appeal does not meet one of the four criteria, it will be denied by the student conduct officer. In cases where the student conduct officer served in the role of student conduct body, the vice president for student affairs or their designee shall appoint another individual to review the appeal.

2. Decisions of residence hall directors may be appealed to the director of student conduct or associate director of student conduct.

3. Non-suspension decisions of the Student Conduct Board, College Hearing Panel, or Administrative Hearing at the Student Conduct Board or College Hearing Panel level may be appealed to the Level One College Appeals Committee.

4. Disciplinary Suspension or Disciplinary Dismissal imposed by the Student Conduct Board, College Hearing Panel, or Administrative Hearing Officer, or as agreed upon by the student and student conduct officer during an Incident Review Meeting, may be appealed to the Level Two College Appeals Committee.

5. Suspension/Dismissal decisions may be appealed in writing within five (5) school days of initial receipt of the decision to the Level Two College Appeals Committee. The decision of the Level Two College Appeal Committee is final.

G. The Level One College Appeals Committee:

1. Shall be composed of two faculty/staff members and one student justice who has been assigned on a semesterly appointment to the Committee. The President of the College shall appoint the two faculty/staff members. The director of student conduct shall appoint the student justice.

2. Shall be supervised in its deliberations by the student conduct officer, unless the student conduct officer has served in the capacity of student conduct body for the case under review. In such instances, the vice president for student affairs or their designee shall select another administrator to supervise the proceedings of the Committee.

3. Level One is defined as those violations for which potential sanctions do not include suspension and dismissals. The Director of Student Conduct or their designee will assign cases to the Level One College Appeals Committee.

H. The Level Two College Appeals Committee:

1. Shall be composed of two faculty/staff members and one student justice who has been assigned on a semester appointment to the committee. The Vice-President for Student Affairs (or their designee) will also serve as an ex-officio non-voting member of the Committee. The President of the College shall appoint the two faculty/staff members. The director of student conduct shall appoint the student justice.

2. Shall be supervised in its deliberation by the director of student conduct or their designee.

3. Level Two is defined as those violations for which potential sanctions include suspension and/or dismissal from the College whether or not such sanctions are proposed in the underlying hearing. This includes all appeals brought forward by a student accused of rape, sexual assault, dating violence, domestic violence, stalking, physical violence and hazing as well as any appeals brought forward by the reporting individual or person granted victim status.

I. In the event that a member of the Level One or Level Two College Appeals Committee cannot hear the case or must recuse themselves, the Director of Student Conduct may appoint another Faculty, Staff or Student Justice to review the case.
Section Fifteen: Summer System

During the period between the spring and fall semesters, all College discipline will be handled as established below.

A. All reports will be reviewed by the student conduct officer, who will determine whether or not disciplinary charges are warranted.

B. If the incident under review occurred during the spring semester but was unable to be handled prior to the summer, the student conduct officer will review the complaint and determine what codes have been violated and what sanctions are merited. Notification of the decision will then be sent to the student's permanent address, unless it is known by the College that the student is residing at another location. The respondent shall have the option to accept the decision, or to file notice with the Student Conduct Office within fifteen (15) calendar days of the date of the letter and request a hearing for the alleged violations. Should a respondent accept the finding of the student conduct officer, they will be expected to comply with the sanctions according to the time-line established in the letter of notification.

C. In the event where the student conduct officer believes that Disciplinary Suspension or Disciplinary Dismissal could be an outcome, an Administrative Hearing will be convened at the earliest possible time, at the discretion of the student conduct officer. Should it not be possible to resolve the case during the summer, a hearing will be held at the beginning of the fall semester.

D. If the student is known to be attending Cortland during the summer sessions when an incident occurs, the case shall be handled under the guidelines that apply during the regular academic year, and the student conduct officer shall serve as the student conduct body. Any appeal of a decision made at this level that does not include Disciplinary Suspension or Disciplinary Dismissal shall be heard at the beginning of the fall semester.

Section Sixteen: Bylaws

In order to standardize the operating procedures of student conduct bodies, a set of Bylaws shall be developed to formalize the operation of the student conduct system. These Bylaws:

A. Shall be developed by the student conduct officer. The student conduct officer shall not develop any Bylaws that are in conflict with the Student Code, or that otherwise abridge the rights of students to a fair hearing.

B. Shall be reviewed annually by the student conduct officer.

C. Shall be subject to the approval of the vice president for student affairs on an annual basis.

D. Shall be made available to any party upon verbal or written request to the student conduct officer.

E. Shall be developed to outline both the mediation component of the disciplinary system and the College Mediation Program, under the same conditions noted above.

Section Seventeen: Disciplinary Files and Records

A. The Student Conduct Office shall maintain disciplinary records and a disciplinary tracking system that shall include, but not be limited to, the accused student's name and related information, description of the incident, parties involved, Code violations, sanctions, and other data deemed relevant by the Student Conduct Office. Such information shall be maintained in accordance with the provisions of the Family Educational Rights and Privacy Act. Disciplinary records shall be made available to student conduct bodies and College officials designated in the Student Code as necessary.
B. Students may arrange to review their own disciplinary records by contacting the Student Conduct Office. Except as provided in the Student Code or pursuant to a lawfully issued subpoena, the College shall not communicate a student’s disciplinary record and related information to any person or agency without the prior written consent of the student.

C. The Student Conduct Office may share disciplinary record information with institutions with which the student seeks or plans to enroll.

D. Student disciplinary records are retained in accordance with SUNY Records Retention Policy (accessible at http://www.suny.edu/sunypp [Document Number 6609]. Student records for major Code of Student Conduct violations and drug and alcohol policy violations are retained for a minimum of 7 years after the end of the academic year of said violation(s) to comply with federal recordkeeping requirements. Records of minor Code of Student Conduct violations will be retained for a minimum of three years after the end of the academic year of said violation(s). Cases involving Disciplinary Suspension will be retained permanently, and may only be expunged upon successful application to the vice president for student affairs. Files for suspension for hazing or other serious violations will not be expunged. Case files involving Permanent Dismissal will be retained permanently.

[NOTE: See College Record Notation Policy in Related College Policies.]

Section Eighteen: Notification to Parents of Disciplinary Action

A. The Vice President for Student Affairs Office shall notify the parents of dependent students who have had disciplinary sanctions placed on them. This notification will occur once the imposed sanctions are final, at the expiration of any appeals process and will be limited to cases brought before the Student Conduct Board, College Hearing Panel and Administrative Hearings held at those levels as well as Incident Review Meetings that result in any type of probationary status. Cases handled by a Residence Hall Director are normally excluded from the notification process except for cases involving alcohol or drug policy violations. Exceptions may also be made for repeated minor offenses by a dependent student on any type of probation that could result in removal from the residence hall or other campus housing. In these cases, the Residence Hall Director will consult with the student conduct officer in making the decision to notify the parents.

In disciplinary cases that involve a serious threat to one’s physical or emotional safety or the physical or emotional safety of others, the director of student conduct or their designee shall notify the parents of dependent students.

B. All students enrolled at SUNY Cortland will be considered by the College to be dependent unless they have approved independent status on file with the Financial Aid Office or are at least 25 years of age. Students are informed about our parental notification policy at the time of the incident review meeting. For more information on dependency status, contact the Financial Aid Office.

C. Parental notification will consist of a copy of the decision letter sent to the student, a cover letter to the parents and, at the discretion of the vice president for student affairs, any other written materials deemed informative.

Section Nineteen: Interpretation and Revision

A. Any question of interpretation regarding the Student Code shall be referred to the vice president for student affairs or their designee for final determination.

B. The Student Code shall be reviewed annually under the direction of the director of student conduct.

[END OF CODE OF STUDENT CONDUCT.]