



STUDENT CODE OF CONDUCT

2020-2021

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

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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 University, 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 University has stated are necessary. The purpose of the Student Code of Conduct 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 University shall take in dealing with policy violations.

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

Section One: Definitions

- A. The term "University" means the State University of New York College at Cortland.
- B. The term "student" includes all persons taking courses at the University, 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 of Conduct, as well as individuals on University 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 University are considered "students."
- C. The term "faculty member" means any person hired by the University to conduct classroom activities.
- D. The term "staff" or "staff member" means any person employed by the University performing assigned administrative, professional, or classified responsibilities. Note: Classified (non-exempt) employees may only serve as Staff Hearing Officers as volunteers outside normal working hours.
- E. The term "University official" includes any person employed by the University performing assigned administrative or professional responsibilities.
- F. The term "designated University official" means any person employed by the University and authorized by the University to act in a prescribed manner in accordance with the statutes found in the Maintenance of Public Order applying to the University and in accordance with the Policies of the Board of Trustees of the State University of New York.
- G. The term "member of the University community" includes any person who is a student, faculty member, University official, or any other person employed by or affiliated with the University. The Vice President for Student Affairs shall determine a person's status in a particular situation.
- H. The term "University premises" includes all land, buildings, facilities, or other property in the possession of or owned, used or controlled by the University including adjacent streets and sidewalks.
- I. The term "University property" means all property owned, leased, or on loan to the University.
- 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 University 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 University community.
- M. The terms "Student Code of Conduct" 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 Student Code of 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 sexual harassment, 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 Student Code of Conduct).
- S. The term "accused student" means any student who has been initially identified as a person who has allegedly violated the Student Code of Conduct.
- T. The term "respondent" is used to describe an accused student once the conduct process is engaged and charges have been filed.
- U. The term "school day" means a week day when school is in session or non-holiday business day when school is not in session.
- V. The term "shall" is used in the imperative sense.
- W. The term "may" is used in the permissive sense.
- X. The term "business day" means a week day when business typically occurs and is not a holiday. School may or may not be in session.
- Y. Sexual and Interpersonal Misconduct terms:
1. 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 the 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. Additionally:
 - 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.
 - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - Consent may be initially given but withdrawn at any time.
 - Consent cannot be given when 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.
 - Consent cannot be given when it is the result of any coercion*, intimidation, force, or threat of harm.

- 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.

2. **Amnesty:** The Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases states that the health and safety of every student at the State University of New York and its State-operated and community University 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 SUNY Cortland 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.
3. **Bystander:** a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.
4. **Clery Act:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act is a federal statute (20 U.S.C. §1092(f)) that requires colleges and universities that participate in federal financial aid programs to keep and disclose statistics about crime on or near their campuses. Compliance is monitored by the U.S. Department of Education.
5. **Confidentiality:** may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with State and Federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality. (See also "Privacy".)
6. **Dating violence:** any violent act or acts committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on the reporting party's statement, the length of the relationship, the type of relationship, and frequency of interaction between the persons involved in the relationship.
7. **Domestic violence:** a felony or misdemeanor crime of violence committed by any of the following individuals: current or former spouse or intimate partner of the victim; or a person with whom the victim shares a child in common; or a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
8. **Privacy:** may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with the New York State and other laws, including informing appropriate Institution officials. (See also "confidentiality".)
9. **Retaliation:** adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

10. SaVE Act: The SaVE Act is an acronym for the Campus Sexual Violence Act provision of the 2013 reauthorized Violence Against Women Reauthorization Act (VAWA). The SaVE Act provision, Section 304, requires colleges and universities to report domestic violence, dating violence, and stalking beyond the crime categories the Clery Act already mandates; adopt certain student conduct procedures, such as for notifying victims of their rights; and adopt training protocols and policies to address and prevent campus sexual violence.
11. Sexual activity: has the same meaning as "sexual act" and "sexual contact" as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).
12. Sexual assault: a physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly called "date rape" and "acquaintance rape"), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old. Please refer to the SUNY Cortland Student Code of Conduct for a more detailed definition.
13. Sex discrimination: behaviors or actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex. Sex discrimination includes all forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Students, employees, and third parties are prohibited from harassing others whether or not the harassment occurs on the SUNY campus or whether it occurs during work hours. All acts of sex discrimination, including sexual harassment and sexual violence, are prohibited by Title IX and University policy. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or gender expression or not conforming to stereotypical notions of masculinity or femininity.
14. Sexual exploitation: occurs when an individual takes nonconsensual or abusive sexual advantage of another for their own benefit or the benefit of another. Sexual exploitation includes, but is not limited to invading another's sexual privacy, taking or distributing sexually explicit images, threatening to distribute sexually explicit images, voyeurism, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention or knowingly transmitting a sexually transmitted infection, sexually based stalking or bullying.
15. Sexual harassment: unwelcome, gender-based verbal, non-verbal, or physical conduct that is sexual in nature and sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation. 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 University's programs. Conduct of a sexual nature (verbal, non-verbal, or physical), which creates an intimidating, hostile, or offensive environment is prohibited. [Note: for specific student and employee policy definitions, policies, and procedures, please refer to the hyperlinked documents at the top of this page, Student Code of Conduct and Affirmative Action Program websites, respectively.]
16. Sexual violence: refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (as defined by the SUNY affirmative consent policy). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by other students, University employees, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX and University policy. (U.S. Office for Civil Rights guidance)
17. Stalking: intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her 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 him or her. [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. A reasonable person is one under similar circumstances with similar identities to the victim.]

18. Title IX: Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." (Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R., Part 106) Sex discrimination includes sexual harassment, sexual assault, and sexual violence.
19. VAWA: The Violence Against Women Act (VAWA) is a federal law initially passed in 1994 and reauthorized three times, most recently in 2013 (Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355). VAWA's initial focus has expanded from domestic violence and sexual assault to also include dating violence and stalking. The Act provides funding for investigation and prosecution of violent crimes against women, imposes mandatory restitution by those convicted, and allows civil remedy in certain cases. The Act created the Office on Violence Against Women within the U.S. Department of Justice. While the title of the law refers to women victims of violence, the actual text is gender-neutral, providing coverage for male victims of domestic violence as well.

Z. Guest: The term "guest" is defined as any non-SUNY Cortland student who is visiting the campus.

AA. Unrecognized Organization: An unrecognized organization is an organization, group, club, society or fraternal organization whose recognition as a University club or organization is currently suspended or has been revoked on the basis that its members have committed severe violations or have a history of repeated violations of law and University regulations such that the organization's continued presence on the campus or association with the University is determined to have irreparable adverse effects on the University or members of the University community. An organization, group, club, society or fraternal organization that misrepresents itself as a recognized University club or organization or uses the University name or logos without authorization is also considered to be an unrecognized organization, as such groups are not regulated by overarching organizations or by the University and, therefore, pose a risk to members of the campus community.

BB. Sanction: A requirement or status that is issued as a result of either accepting responsibility or being found in violation of one or more policies in the student code of conduct which guarantees due process with regard to the person's rights as an individual. Sanctions are issued through the student conduct process.

CC. Remedy: An action taken to protect the wellbeing of an individual after an allegation of injury, harm, or a wrongful act is imposed upon them. Remedies may be issued through the Title IX Office or the student conduct process.

DD. Title IX terms:

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) "Sexual assault" as defined in Y 12 of the definition section of the Code, "dating violence" as defined in Y 6 of the definition section of the code, "domestic violence" as defined in Y 7 of the definition section of the code, or "stalking" as defined in Y 6 of the definition section of the code 17.

Formal Complaint: A document signed filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the recipient. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part, and must comply with the requirements of this part.

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is also the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient.

Notice: Includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

Complainant: An individual is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Section Two: Student Conduct System Authority

- A. The Director of Student Conduct shall determine the composition of the student conduct bodies (see Section Eight) 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 Student Code of Conduct.

- C. Decisions made by a student conduct body and/or Administrative Hearing Officer shall be final, pending the normal appeal process (see Section Thirteen).

Section Three: Jurisdiction

Generally, University jurisdiction and adjudication of cases shall be limited to conduct that occurs on University property and/or at University-related events, or that adversely affects the University 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 University will take action for allegations of off-campus misconduct that also violate University 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 Eleven:

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 University and its property are essential expectations for each SUNY Cortland student. The following restrictions are seen as necessary for fostering a positive community. Their violation will result in disciplinary action.

1. **Keys.** Unauthorized possession, duplication, or use of keys (including proximity cards) to any University premises.
2. **Entry and Use of Facilities.** Unauthorized entry to or unauthorized or improper use of a University 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 University-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.
 - e. Tampering with fire safety or other safety equipment. (Covering/disabling detectors, exit signs, fire extinguishers, etc.)
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 University activities, including its public-service functions on or off campus, or other authorized non-University activities, when the act occurs on University premises.

- b. Leading or inciting others to disrupt scheduled and/or normal activities associated with the operations of the University; 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 University premises or at University-sponsored or supervised functions.

8. **Failure to Abide by Federal, State, and/or Local Laws.** Violation of federal, state, and/or local laws.
9. **Other University Policies.** Violation of published University policies, rules, and regulations. Note: See the SUNY Cortland University Handbook for more information. www2.cortland.edu/offices/publications/handbook/
10. **Solicitation and Posting.** All selling and soliciting of merchandise and services on campus and 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 for advertising or sales in residence halls or the Director of Fay Corey Union by advertising or sales in non-residence hall locations.
11. **Campus Guest Policy.** Guests are defined as non-SUNY Cortland students who are visiting. All students are responsible for the actions of their guests for any violations committed on University premises, or at University-sponsored or supervised functions. Students are also expected to take reasonable action to prevent their guests from violating University policies.

Note: For Residence Hall Guest Policies please see Section D3.

12. **Affiliation with Unrecognized Organization.** Any affiliation with an unrecognized organization is prohibited. Affiliation includes recruiting for; joining; rushing; pledging; accepting an offer of membership or being involved in any activity that would normally be associated with being a member of the unrecognized organization. Residing in facilities that are owned, rented, or controlled by an unrecognized organization is also considered affiliation and is prohibited.
13. **Unauthorized Membership or Participation in Student Club or Organization.** Joining and/or participating in a student club or organization without meeting its eligibility requirements (e.g. joining a fraternity or sorority while on Academic Probation) is prohibited.
14. **Recruitment of Ineligible Students to Join a Student Club or Organization.** Recruiting students who do not meet eligibility requirements to join a student club or organization (e.g. recruiting first semester, first year students to join a fraternity or sorority) is prohibited.

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. Their violation will result in disciplinary action.

1. **Acts of Dishonesty.** Including but not limited to:
 - a. Providing false information to any University official, faculty member or office.
 - b. Forgery, alteration, or misuse of any University document, record, or instrument of identification.
 - c. Tampering with the election of any University recognized student organization officer.
 - d. Aiding, abetting, or procuring another person to violate a University policy.
 - e. Policies regarding academic dishonesty are not covered by this Student Code of Conduct. For more information on academic dishonesty, see the *Student Code of Conduct and Related Policies* or the *University Handbook*, Section 340.
2. **Identification.**
 - a. Possession or use of altered or another person's documents, including those used to identification either on campus or in the University community.
 - b. Manufacture, sale, or distribution of an identification to another individual.

- c. Failure to show proper student 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.**
- a. Failure to comply with reasonable and lawful requests or directives of University 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. This includes, but is not limited to: not appearing at meetings when directed to do so; not providing identification; not abiding by any temporary and/or administrative directive; and not leaving areas/events when directed to do so.
 - b. Failure to comply with and/or complete assigned conduct sanctions or Good Samaritan mandates.
 - c. Violation of disciplinary probation or deferred suspension.
- 4. Damage to Property.** Any action that causes damage or which would tend to cause damage to the property of the University or property of a member of the University community or other personal or public property.
- 5. Theft.** Including but not limited to:
- a. Attempted or actual theft of University property or services or property belonging to any member of the University community.
 - b. The unauthorized possession of stolen property, University property, or property belonging to any member of the University 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 University 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 University 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 University campus or in the Cortland community except as expressly permitted by law and University 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 possessed and 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. Sealed containers of alcohol may be transported through hallways and via elevators and stairwells but may not be consumed in public areas of the residence hall.
 - c. Consumption of alcohol is not permitted outside the residence hall rooms or on the grounds of the campus without prior approval of the Alcohol Advisory Committee.
 - d. 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.
 - e. Games of chance, drinking games, contests, and other activities that induce, encourage, or result in the rapid consumption of alcohol are prohibited. (e.g. Beer pong, flip cup, etc.)
 - f. Conduct related to the use of alcohol where the individual becomes a disruption to the community is prohibited.

- g. 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.
- h. 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.

Note: For more information on policies associated with alcohol use, consult the *University Handbook*.

- 7. **Drug Policy.** Students may not use, possess, distribute or be knowingly in the presence of cannabis, tetrahydrocannabinol derivatives, narcotics or other controlled substances except as expressly permitted by law. Any drug-related violation of University policy will be considered a violation of the Drug Policy. Further, conduct related to the use of drugs where the individual becomes a disruption to the community is prohibited.

Note: Good Samaritan Policy - Abuse of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. It is the intent of the University to encourage a witness or intoxicated person who is suffering from an alcohol or other drug overdose to seek emergency assistance. The University aims to prevent future alcohol and drug related emergencies by providing education to intoxicated persons in such emergencies and referring those students to appropriate services. In all instances, the University is concerned that those in need receive prompt medical attention and expects help will be sought. The University cannot guarantee absolute immunity from sanctions associated with violations of the Student Code of Conduct or state and federal law for either the witness or intoxicated student. However, if the witness or intoxicated student agrees to a timely completion of recommended education/intervention activities, assessment, and/or treatment, an official conduct record will not be created. Instead the student will be mandated an educational/intervention course of action which will be recorded as part of a conduct file and considered as conduct history which may be used in deciding future charges and sanctions, but not reported out (exception is for teacher candidates and residence hall staff candidates). If the student does not comply with the agreed upon terms, the Good Samaritan Policy has been violated and the student is subject to disciplinary action. If the student does not agree to the terms set forth by the Student Conduct Office, the student will be charged with a violation of the alcohol and/or drug policy and proceed through the conduct process. Further, if a pattern of intoxication develops, the student may be subject to conduct action at the determination of the Director of Student Conduct or designee.

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

- a. Failure to comply with the instructions of a student conduct body or University 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 or Title IX grievance process through intimidation, threats, coercion, discrimination 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), threats and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding.
- h. 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, bong, 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 University computer system, voice mail or telephone services as defined by the University. 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 University office email account to send messages without authorization.
- f. Failure to comply with University 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 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, shower stall or restroom.
12. **Alcohol Paraphernalia.** The possession of any implement or equipment that can be used for the rapid consumption of alcoholic beverages is prohibited. (e.g. funnels, beer pong tables, etc.)
13. **Smoking Policy.** Tobacco and electronic cigarette/electronic aerosol delivery device use is prohibited everywhere within the perimeter on all SUNY Cortland property, both indoors and outdoors, as well as in University-owned vehicles, and in any vehicle on SUNY Cortland property. cortland.edu/information/tobacco-free/policy

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.
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 University 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. **Omitted.**
6. **Omitted.**
7. **Omitted.**
8. **Bias related incidents.** Includes such acts as, but is not limited to:
 - a. Bias-related harassment believed to be motivated by a consideration (real or perceived) 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.
 - b. Threatening, intimidating or fear provoking behavior directed towards another believed to be motivated by a consideration (real or perceived) 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.

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. Their violation 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 prohibited from occurring 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 University-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 University premises, or at University-sponsored or supervised functions. Students are also expected to take reasonable action to prevent their guests from violating University policies. Also, a failure to properly register or sign-in guests or visitors is a violation of this policy.

Note: See cortland.edu/offices/residence-life/office/beer-guest-and-quiet-hours-policy.dot for more information on the guest policy.

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.

Note: For information on Service Animals and Emotional Support Animals contact Residence Life and Housing and/or Disability Resources.

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-University 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 University 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. **Fire Safety.** Including but not limited to:
 - a. Flammable devices are not permitted in the residence halls. These include, but are not limited to candles, incense, and wax warmers.
 - b. Decorations.
 - c. Extension cords.

Note: For further details on prohibited items and/or regulations, see the Room and Board License and Residence Hall Policies at cortland.edu/offices/residence-life/office/licenses-forms-and-documents.dot.

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 University 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.
12. **Sports Activities or Rough Housing Including Ball Playing.** Ball playing (throwing, kicking, batting, etc.), boxing, wrestling, rollerblading, skateboarding, use of toy guns that shoot any kind of projectile (e.g. Nerf guns), use of lacrosse or hockey sticks, and other similar activity is not permitted inside the residence halls/Judson Taylor Leadership House/West Campus Apartments. Ball playing (i.e. lacrosse, softball, football, soccer) in areas that are

immediately adjacent to a residence hall/Judson Taylor Leadership House/West Campus Apartments is not permitted.

E. Sexual and Interpersonal Misconduct

1. Sexual Assault.

- a. Nonconsensual sexual penetration.
- b. Nonconsensual sexual touching.
- c. Nonconsensual physical exposure of intimate body parts.
- d. Intimidation or coercion to engage in sexual activity including but not limited to the use of alcohol or drugs.

2. Sexual Harassment.

- a. Nonverbal, verbal or physical harassment.
- b. Sex and/or gender based discrimination.
- c. Sexual Exploitation including but not limited to nonconsensual verbal, nonverbal or cyber communication of a sexual nature as well as nonconsensual photography, video or audio taping, posting of sexual activity or sexually explicit images.

3. Stalking.

4. Dating and Domestic Violence.

Note: Please refer to Section One, Definitions for further detail. Please refer to Section Ten for rights of the Reporting Individual in Title IX, VAWA and NYS Education Law 129b related cases.

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 University-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 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 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 conduct process of the University.

Options in Brief:

Reporting Individuals have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention.
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit cortland.edu/titleix/confidential),
- Make a report to:
 - An employee with the authority to address complaints, including the Title IX Coordinator, Deputy Title IX Coordinator, a Student Conduct employee, or a Human Resources employee;
 - University Police;
 - Local law enforcement; and/or
 - Family Court or Civil Court.

Section Five: Violation of Law and University Discipline

- A. University disciplinary proceedings may be instituted against a student charged with a violation of a law that is also a violation of the Student Code of Conduct. 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 of Conduct 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 University 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 of Conduct, however, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters will be handled internally within the University community. The University 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 Student Code of 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 Student Code of Conduct.
 - 9. Collecting and disseminating data concerning student conduct system actions.
- 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 may be appointed to supervise administrative proceedings. Student Conduct Hearing Advisors will generally be Residence Hall Directors assigned to the Student Conduct Office, and other professional staff members.

Section Seven: Student Conduct Policies

A. Charges and Hearings, Students (non-Title IX charges)

1. Any member of the University community may request to file a complaint against any student for misconduct. Complaints 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 and will review the complaint and determine charges if appropriate.
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 resolved administratively in an Incident Review Meeting by mutual consent of the parties involved on a basis acceptable to the student conduct officer.
3. If the charges cannot be resolved of through an Incident Review Meeting, the student conduct officer shall select one of the following student conduct bodies to resolve the case: Student Conduct Board or Administrative Hearing.
4. All charges, including date, time, and location of the hearing or meeting, shall be presented to the respondent in written form. The minimum time limit for notice is determined by the level at which the case shall be resolved (see Section Eight). The student conduct officer may not reduce the minimum time limit for notice without written consent of the respondent. The respondent may request a hearing or incident review meeting to take place less than the minimum time limit designated by the Student Conduct Office.
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 the 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 respondent have the right to be assisted by any advisor they choose, at their own expense if the advisor of choice charges a fee. The complainant and/or the respondent 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 University, the respondent, and the student conduct body shall have the privilege of presenting witnesses, subject to the right of questioning by the student conduct body and the reporting individual at Title IX, VAWA and NYS Education Law 129b related case hearings.
 - 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 University. 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 the 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 of Conduct 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 of Conduct.
 - j. At all conduct proceedings there shall be a single, verbatim record for use in the appeal process. The record shall be the exclusive property of the University, and the Student Conduct Office shall establish a policy for the respondent and reporting individual at Title IX, VAWA and NYS Education Law 129b related case hearings 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 he or she 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 University will need time to prepare for hearings. The University 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 Student Code of Conduct may be extended for good cause as determined by the Director of Student Conduct. The respondent and the reporting individual (in Title IX cases only) 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 typically be longer than 5 business/school days.
 8. If the respondent fails to attend a scheduled hearing or leaves the hearing before it is adjourned, 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 presented and not upon the respondent'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 comply with instructions of a student conduct body or University official, no student may be found to have violated the Student Code of Conduct 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 University, 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 University.
 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.
 12. The Student Conduct Advisor will be a member of the Student Conduct Office and act as a procedural advisor to the hearing. The Student Conduct Advisor will not determine responsibility, nor sanctions imposed if the respondent is found to be In Violation of the Student Code of Conduct.
 13. Multiple allegations of code violations in multiple incidents may be addressed at the same incident review meeting or hearing.

B. Charges and Hearing, Title IX

1. Any member of the University community, or person who is attempting to participate in SUNY Cortland educational opportunities may request to file a complaint against any student for sexual or interpersonal misconduct which meets the Title IX standards. A formal complaint must be filed with the Title IX Coordinator.
2. The respondent and reporting individual will both be given ten (10) business/school days to review related evidence and submit requests for changes. After the initial ten (10) business/school day review period, any changes that have been requested/made will be submitted back to the respondent and reporting individual in the form of an investigative report for another ten (10) business/school day review period.
3. The written report, prepared by an investigator, will be directed to the student conduct officer, who is in turn responsible for the administration of the student conduct system and will review the complaint and determine charges.
4. Charges, including date, time, and location of the hearing or meeting, shall be presented to the respondent and reporting individual in written form. The minimum time limit for notice of the Incident Review Meeting or hearing is ten (10) business/school days.
5. Charges may be resolved informally in an Incident Review Meeting by mutual consent of the parties involved on a basis acceptable to the student conduct officer.
6. If the charges cannot be resolved through an Incident Review Meeting, the student conduct officer shall convene a Title IX Administrative Hearing.
7. Title IX Administrative Hearings shall be conducted 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 Administrative Hearing Officers and/or the Student Conduct Hearing Advisor.
 - c. In hearings involving more than one respondent, the student conduct officer, in their discretion, may permit the hearings concerning each student to be conducted separately.
 - d. The reporting individual and the respondent have the right to be assisted by any advisor they choose, at their own expense if the advisor of choice charges a fee. The reporting individual and/or the respondent are responsible for presenting their own case and, therefore, advisors are not permitted to speak or to participate directly in this portion of the hearing. Respondents and reporting individual must inform the Student Conduct Office no later than 24 hours prior to the hearing, or by 9 am on the business/school day prior to the hearing if the hearing follows a weekend or holiday who their advisor of choice is. Respondents and reporting individuals are required to have an advisor present for the purpose of cross examination.
 - e. The University, the respondent(s), and the reporting individual shall have the privilege of presenting witnesses, subject to the right of questioning by the Administrative Hearing Officer, the reporting individual's advisor and the respondent's advisor.

Please note: Title IX hearings are not civil or criminal proceedings, and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the US Department of Education, writing about Title IX in the Final Rule “purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner.” 85 Fed. Reg. 30026, 30319 (May 19, 2020). At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect. The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

Rules of Decorum. The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

- Questions must be conveyed in a neutral tone.
 - Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
 - No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
 - While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
 - Parties and advisors may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witness without obtaining permission from the Student Conduct Advisor.
 - The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
 - The advisor may not ask repetitive questions. This includes questions that have already been asked by the decision-maker, the advisor in cross-examination, or the party or advisor in direct testimony. When the decision-maker determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
 - Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.
- a. 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 they fail to heed a warning from the student conduct hearing advisor. The hearing shall continue in the absence of any removed party. If the removed party is an advisor, an advisor will be provided. This may cause a delay in the hearing proceedings.

Warning and Removal Process for Advisors:

- The Student Conduct Advisor and/or the decision-maker shall have discretion to determine if the Rules of Decorum have been violated. The Student Conduct Advisor will notify the offending person of any violation of the Rules.
- Upon a second or further violation of the Rules, the Student Conduct Advisor shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.
- Where the Student Conduct Advisor removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.
- The Student Conduct Advisor shall document any decision to remove an advisor in the written determination regarding responsibility.
- For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, Director of Student Conduct, or a designee of either and presented to the Vice President for Student Affairs or designee. The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice President for Student Affairs or designee. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice. The Vice President for Student Affairs or designee shall consider the evidence and issue a decision. The decision shall be issued in writing to all relevant parties. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Vice President for Student Affairs or designee no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

- Relevant Questions Asked in Violation of the Rules of Decorum
 - Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).
- b. Pertinent records, exhibits, and/or written statements may be accepted as evidence for consideration by the Administrative Hearing Officer at the discretion of the Student Conduct Hearing Advisor. All evidence must be submitted to the investigator and reviewed prior to the student conduct process initiating. If any new evidence, which was not reasonably available or known is discovered after the final investigative report is issued but prior to the start of the hearing, the Director of Student Conduct will determine if the evidence is relevant to materially change potential outcome of the hearing. If deemed relevant, the hearing will be delayed and all parties will be given a minimum of ten business/school days to review and respond to the evidence.
 - c. All procedural questions are subject to the final decision of the chairperson of the Administrative Hearing, in consultation with the student conduct hearing advisor.
 - d. The decision maker will determine relevancy of each question before the question is answered.
 - e. After the hearing, the chairperson of the Administrative Hearing shall determine whether the respondent has violated each section of the Student Code of Conduct that the student is charged with.
 - f. The chairperson'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 of Conduct.
 - g. At all conduct proceedings there shall be a single, verbatim record for use in the appeal process. The record shall be the exclusive property of the University, and the Student Conduct Office shall establish a policy for the respondent and reporting individual at Title IX related case hearings to have access to this record for the purpose of filing an appeal.
 - h. Due process rights (see section 9 of the Student Code of Conduct) and reporting individual's rights (see section 10 of the Student Code of Conduct) will be upheld throughout the conduct process.
8. All deadlines and time requirements in the Student Code of Conduct may be extended for good cause as determined by the Director of Student Conduct. The respondent and the reporting individual 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 typically be longer than five (5) business/school days.
 9. If the respondent fails to attend a scheduled hearing or leaves the hearing before it is adjourned, 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 or have any evidence presented by them to the investigator considered. Findings and sanctions, if applicable, will be based on the evidence presented and not upon the respondent'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.
 10. If a witness fails to appear at a live hearing after being requested to do so by the University, respondent or reporting individual, all evidence presented to the investigator by that person will be null and void and therefore not considered by the decision maker.
 11. If the respondent, reporting individual or witness fails to answer a question posed by any party and deemed relevant and appropriate by the decision-maker, all testimony and evidence presented by that person will be null and void and therefore not considered by the decision maker.

12. If an advisor fails to appear, or the respondent or reporting individual fails to bring an advisor, an advisor will be provided for the purpose of cross examination. Neither the reporting individual nor the respondent may decline or object to the advisor. The performance of the advisor in the hearing shall not constitute grounds for appeal.
13. The student conduct process may be initiated regardless of a respondent'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 University, 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 University.
14. 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 completed.
15. The Student Conduct Advisor will be a member of the Student Conduct Office and act as a procedural advisor to the hearing. The Student Conduct Advisor will not determine responsibility, nor sanctions imposed if the respondent is found to be In Violation of the Student Code of Conduct.
16. Multiple allegations of code violations in multiple incidents may be addressed at the same incident review meeting or hearing if deemed appropriate by the Director of Student Conduct.

C. Charges and Hearing, Organizations

All violations of University policy and the law by officers/members of student groups/organizations/athletic teams will be adjudicated through the Student Conduct System including both individual and organizational/team violations. Hearings for organizations will follow the same procedure as hearings for individual students as described in the Student Code of Conduct Sections Seven and Eight of the Student Code of Conduct. Additional guidelines for organizational hearings are as follows:

1. The organization's President or designee shall represent the organization charged throughout the conduct process. Representative/designee must be a current SUNY Cortland student.
2. The organization may be adjudicated at the same hearing as individuals charged in the same incident.
3. The past history of an organization will not be considered in the decision-making process of determining responsibility unless it directly relates to the current charge, but will be taken into consideration during the sanctioning phase if appropriate.
4. Appeals will be heard by the appellate hearing committee, Section Thirteen of the Student Code of Conduct.
5. SUNY Cortland may choose to share information with affiliated alumni, affiliated students, and SUNY Cortland personnel advising and/or overseeing the program(s) with which the organization is associated.

Section Eight: Student Conduct Bodies, Hearings, and Meetings

Based on the nature and severity of the alleged violation, the Director of Student Conduct will determine the appropriate conduct process. The University shall establish appropriate student conduct bodies, which may conduct hearings concerning alleged violations of the Student Code of Conduct, and determine responsibility and appropriate sanctions. Conduct processes shall include:

A. Letter of Notice.

Some violations of the code of conduct may have minimal impact on the community and be minor enough to not warrant official conduct charges. In these instances, the Director of Student Conduct or designee will meet with the student to discuss the incident and applicable policies. A letter of notice will be sent to the student recapping the information discussed in the meeting and reminding the student of the policy. This letter will be recorded as part of the student's conduct file and considered part of the student's conduct history which may be used in deciding future charges and sanctions, but will not be reportable out. Decisions in each case will be made at the discretion of the Director of Student Conduct designee. Examples of cases where a letter of notice would be

warranted are for students who do not have a conduct history and have a first time minor noise violations, first time presence of alcohol or drugs, first time minor fire safety violations such as an extension cord, etc.

B. Student Conduct Board.

1. The Student Conduct Board shall be composed of one to three students 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. Two faculty/staff and one student shall constitute a quorum. The sanctioning ability of the Student Conduct Board shall include all sanctions noted in Section 11 of the Student Code of Conduct, including suspension or dismissal. In all Student Conduct Board Hearings, the respondent shall be notified of the date, time and place of the hearing at least four full school/business days in advance, and shall be provided with the opportunity to meet with a member of the Student Conduct Office prior to the hearing. There is no statute of limitations for complaints that would result in a hearing at this level.
2. The Student Conduct Officer shall create a Hearing Officer Selection Committee each spring to interview and evaluate Student Conduct Board and Administrative Hearing Officer candidates, and make selection recommendations to the Director of Student Conduct. This committee shall be composed of the following: the director and Associate Director of Student Conduct, residence hall directors assigned to the Student Conduct Office; at least three current Student Hearing Officers; 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.

C. Administrative Hearing.

An Administrative Hearing may be held at the discretion of the student conduct officer, or at the request of the respondent. The Administrative Hearing Officer shall be a faculty or staff member assigned by the Student Conduct Office and be responsible for determining responsibility and sanctions if the respondent is found to be In Violation of the Student Code of Conduct. A secondary hearing officer may also be assigned to the hearing, however, that person will not determine responsibility or sanctions. Both hearing officers will have the ability to ask questions of the respondent and will engage in deliberations. The sanctioning ability of the Administrative Hearing Officer shall include all sanctions noted in Section 12 of the Student Code of Conduct, including suspension or dismissal. In all Administrative Hearings, the respondent 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 member of the Student Conduct Office prior to the hearing. There is no statute of limitations for complaints that would result in a hearing at this level.

D. 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 of Conduct. 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 of Conduct and appropriate sanction(s).

1. The respondent 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) are agreed upon by the Student Conduct Officer and the respondent, an outcome letter with the agreed upon decision and sanctions will be provided to the student electronically. This agreement shall constitute an acceptance of the finding and sanction(s), as well as a waiver of the right to a hearing. Within three school/business days of the Incident Review Meeting the respondent can amend their decision of agreement and request a formal hearing in writing to the Student Conduct Office.

Note: In Title IX, VAWA, and NYS Education Law 129b related cases the reporting individual may disagree with the outcome of the Incident Review Meeting and request a formal hearing in writing to the Student Conduct Office.

3. If the substantive facts and sanction(s) cannot be agreed upon, the matter shall be referred to a hearing.
4. If a respondent fails to appear at a scheduled Incident Review Meeting following proper written notification, the student will be scheduled to appear at a formal hearing.
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.

E. Sexual and Interpersonal Misconduct Administrative Hearings

*** This hearing process is for Sexual and Interpersonal Misconduct charges that do not meet the criteria of the Title IX Grievance process.*

F. Title IX Administrative Hearings

An Administrative Hearing will be held in cases involving Title IX complaints that are not resolved at an Incident Review Meeting. The Administrative Hearing Officer or chairperson shall be a faculty or staff member assigned by the Student Conduct Office and be responsible for determining responsibility and sanctions if the respondent is found to be In Violation of the Student Code of Conduct. A secondary Administrative Hearing Officer will also be assigned to the hearing, however, that person will not determine responsibility or sanctions. Both Hearing Officers will have the ability to ask questions of the respondent, reporting individual and witness and will engage in deliberations. All Title IX Hearing Officers will be trained in accordance with New York Education Law 129b and federal mandates.

Verification of training may be reviewed at

<https://www2.cortland.edu/offices/Title-IX/training-requirements>

The sanctioning ability of the Administrative Hearing Officer shall include all sanctions noted in Section 11 of the Student Code of Conduct, including suspension or dismissal. In all Title IX Administrative Hearings, the respondent and reporting individual shall be notified of the date, time and location of the hearing at least ten (10) business/school days in advance, and shall be provided with the opportunity to meet with a member of the Student Conduct Office prior to the hearing.

Section Nine: Due Process Rights

Students should expect that disciplinary proceedings will be handled fairly. All SUNY Cortland students accused of violating the Student Code of Conduct 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 date, time and location 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 review the written report or narrative stating the circumstances and allegations involved. The report will generally be reviewed in the initial Incident Review Meeting, however, further review can be requested through the Student Conduct Office prior to a formal hearing if one has been requested. A time must be scheduled during normal business hours to review the report.
- E. A student has the right to object to a Board 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 any witnesses present.
- I. A student has the right to present information and witnesses on their behalf.
- J. A student has the right to written notification of the results of a hearing no later than ten school/business days after the hearing.

- K. A student has the right to appeal the outcome of a hearing, as described in Section Thirteen, Appeals. A student must be informed of their right to appeal, and the process by which to do so.
- L. A student has the right to revoke their agreement in an Incident Review Meeting within three school/business days of the meeting and request a formal hearing.
- M. Conduct charges will be filed against the student within 30 school days of receipt of a report by the Student Conduct Office of misconduct. Exception: Title IX/VAWA/NYS Education Law 129b related complaints as investigations of this nature may take longer to complete.

Section Ten: Rights of the Reporting Individual in Title IX, VAWA, and NYS Education Law 129b related cases

SUNY Cortland also provides the following rights to reporting individuals related to our conduct process:

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 Student Code of Conduct 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 University)
 - 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 University 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.

A: Rights of an Organization

SUNY Cortland provides the following rights to organizations related to investigations and our conduct process:

1. An organization has the right to a hearing by an unbiased student conduct body.
2. An organization has the right to have an advisor present at the hearing.
3. An organization has the right to written notice of the charges that indicates the date, time and location of the hearing. Proper written notification shall be defined as delivery of mail to the organization's president/captain's on-campus mailbox, hand-delivery by campus staff, delivery of information via electronic message to a student's assigned campus email account or delivery by the U.S. Post Office to a student's local off campus address. The organization's president/captain shall be held responsible for the contents of mail for which they have refused receipt.
4. An organization has the right to review the written report or narrative stating the circumstances and allegations involved. The report will generally be reviewed in the initial Incident Review Meeting, however, further review can be requested through the Student Conduct Office prior to a formal hearing if one has been requested. A time must be scheduled during normal business hours to review the report.
5. An organization 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.
6. An organization has the right not to present information against themselves.
7. An organization has the right to request a continuance of no more than five (5) business/school days. The Director of Student Conduct will determine the validity of the request.
8. An organization has the right to hear and respond to all information presented against the organization. This includes the right to question any witnesses present.
9. An organization has the right to present information and witnesses on their behalf.
10. An organization has the right to written notification of the results of a hearing no later than ten (10) business/school days after the hearing.
11. An organization has the right to appeal the outcome of a hearing as described in Section Thirteen, Appeals. An organization must be informed of their right to appeal, and the process by which to do so.
12. An organization has the right to revoke their agreement in an Incident Review Meeting within three business/school days of the meeting and request a formal hearing.
13. Conduct charges will be filed against the organization within thirty (30) business/school days of receipt of a report by the Student Conduct Office of misconduct. Exception: Title IX/VAWA/NYS Education Law 129b related complaints as investigations of this nature may take longer to complete.

**Note: Family Education Rights Privacy Act (FERPA) does not apply to organizations or teams.

Procedures for Organizational/Team Investigations:

Investigations will be conducted by the Student Conduct Office, Campus Activities and/or Campus Recreational Sports in allegations of violations of the student code of conduct where the students/active and past members (including but not limited to alumni) involved were acting on behalf of an organization or team.

Investigative findings of violations by NCAA Athletic Teams will be communicated to the Head Coach of said team and Athletic Director. Individual members will be charged where appropriate under the student code of conduct. There may also be action taken by the coach and/or athletic department for violations of team/athletic department policies.

Investigative findings of violations by student groups and organizations will be adjudicated through the Student Conduct Office. Individual members will be charged where appropriate under the student code of conduct. There may also be action taken by the Student Government, Greek Life Office or Campus Recreation Department for violations of policies specific to those areas.

Section Eleven: Sanctions

- A. If in the course of the Conduct process, a hearing body determines that a 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 of Conduct:
1. Warning. A notice to the student that their actions are inappropriate, and that the individual must act more responsibly in the future. A warning 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. Deferred Residence Hall Suspension. A definite period of observation and review. If a student is again found responsible for any further University policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, restriction from University-operated housing and housing grounds will be immediately imposed for a definite period of time.
 3. 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.
 4. Residence Hall Dismissal. Permanent separation of the student from the residence halls.
 5. Disciplinary Probation. A notice to the student that their actions are of a serious nature within the University 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 University 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.
 6. Deferred Suspension. A definite period of observation and review. If a student is again found responsible for any further University 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.
 7. Disciplinary Suspension. The separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who are suspended will have notation on their transcript, see the University Record Notation Policy.

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

8. Disciplinary Dismissal. The permanent separation of the student from the University. Students who are dismissed will have notation on their transcript, see the University Record Notation Policy.

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

9. 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.
 - e. Other restrictions, as approved by the student conduct officer.

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

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

 12. 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.

 13. Educational/Restorative 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
 - f. Educational programs
 - g. Other sanctions as approved by the Director of Student Conduct
- 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 Student Code of 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 University 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 University.

- G. The following outlines the available sanctions for cases of sexual assault, sexual harassment, dating violence, domestic violence and stalking.
1. When an individual is found responsible for sexual assault, the following sanctions are available:
 - a. Disciplinary suspension for a minimum of one semester, but not to exceed 10 semesters
 - b. Disciplinary dismissal
 - c. If suspended, during the time of suspension you may be required to complete counseling and/or alcohol and other drug assessments or complete other educational programs
 - d. If readmitted after suspension, deferred suspension/disciplinary probation for a minimum of one semester up to final separation from the University and other restrictions, educational sanctions or programs may be assigned

 2. When an individual is found responsible for sexual harassment, stalking, dating violence or domestic violence, the following sanctions are available:
 - a. Disciplinary probation for a minimum of one semester up to final separation from the University
 - b. Deferred suspension for a minimum of one semester up to final separation from the University
 - c. Counseling and/or alcohol and other drug assessment
 - d. Educational programs
 - e. Restrictive measures
 - f. Disciplinary suspension for a minimum of one semester, but not to exceed 10 semesters
 - g. Disciplinary dismissal
 - h. If suspended, during the time of suspension you may be required to complete counseling and/or alcohol and other drug assessments or complete other educational programs
 - i. If readmitted after suspension, deferred suspension/disciplinary probation for a minimum of one semester up to final separation from the University and other restrictions, educational sanctions or programs may be assigned.

H. Sanctioning of Student

If an organization is deemed in-violation of any of the charges, sanctions will be imposed by the Hearing body. Sanctions may include those listed in Section Eleven of the Student Code of Conduct. However, further sanctions may be imposed that are appropriate and fitting for the safety of members, education and development of the organization. However, further sanctions may be imposed that are appropriate and fitting for the safety of members, education and development of the organization.

Section Twelve: 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 Twelve, 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 Twelve, 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 University 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 University.

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 their request.

- D. In cases of Title IX/VAWA/NYS Education Law 129b violations where the accused is a student, the reporting individual may contact Student Conduct or the Title IX Coordinator 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 an ongoing hostile environment.
- 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 University 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 reporting individual observe each other in a public space, it is the responsibility of the accused to leave the area immediately and without directly contacting the reporting individual. 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 for 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 for Student Affairs or their designee is final.
- I. Interim Sanctions may be imposed on an organization. This may include halting all functions of the organization until the conclusion of the investigation and student conduct process. In all cases, Interim Sanctions will be imposed to ensure the safety and well-being of members of the community or preservation of University property.

Section Thirteen: Appeals

- A. A decision reached or sanction imposed by a student conduct body may be appealed by the respondent (or by the reporting individual in Title IX and Sexual and Interpersonal Misconduct cases. See the Sexual or Interpersonal Misconduct appeal process and the Title IX appeal process) to the Student Conduct Office within five (5) school/business days of initial written receipt of the decision. Such appeals shall be in writing and shall be delivered to the student conduct officer or their designee. The written appeal of hearing outcomes 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. Student Conduct Process Appeal (Non-Title IX):

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 respondent 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 of Conduct occurred.
3. Disproportionate Sanction. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct 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.

B.1. Title IX Appeal:

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 Irregularity. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and gave the respondent and reporting individual a reasonable opportunity to prepare and to present a rebuttal of those allegations. Deprivation of due process rights shall be considered Procedural Irregularity.
2. Unsupported Conclusion. To determine whether the facts in the case were sufficient enough to support the decision reached by the Student Conduct Hearing Officer or decision maker.
3. Disproportionate Sanction. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct 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 or available to the person appealing at the time of the original hearing.
5. Conflict of Interest or Bias. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against the reporting individuals or respondents generally or the individual reporting individual or respondent that affected the outcome of the matter.

C. The appellate 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.
 2. The Title IX/VAWA/NYS Education Law 129b Appeals Committee and the University Appeals Committee will consist of three members; two faculty or staff and one student.
 3. Decisions of the Student Conduct Board or Administrative Hearing may be appealed to the University Appeals Committee within five school/business days of receipt of the outcome letter.
 4. The decision of the University Appeals Committee is final.
 5. In In Title IX/VAWA/NYS Education Law 129b related cases, the decision may be appealed to the Title IX/VAWA/NY Education Law 129b Appeals Committee by either the respondent or reporting party within five school/business days. Upon receipt of the appeal, the other party will be notified of the appeal and both parties will be given an additional three school/business days to submit further information regarding the decision.
- G. The University Appeals Committee:
1. Shall be composed of at least four faculty/staff who have been appointed by the President of the University and two students who have been appointed by the Student Conduct Office. Each member will be appointed on an annual basis.
 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.
- H. Sexual and Interpersonal Misconduct Appeals Committee:
1. Shall be composed of at least 4 faculty/staff who have been appointed by the President of the University and two students who have been appointed by the Student Conduct Office and have been trained in accordance with New York State Education Law 129b. The Vice President for Student Affairs (or their designee) will also serve as an ex-officio non-voting member of the Committee.
 2. Shall be supervised in its deliberation by the Director of Student Conduct or their designee.
 3. The Title IX/VAWA/NYS Education Law 129b University Appeals Committee will review all appeals brought forward by the respondent or reporting individual in cases involving charges of Sexual and Interpersonal Misconduct that do not meet the Title IX grievance process criteria.
- H.1. Title IX Appeals Committee:
1. Shall be composed of at least four faculty/staff who have been appointed by the President of the University and two students who have been appointed by the Student Conduct Office. Each member will be appointed on an annual basis.
 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. Shall be trained annually on Title IX processes and decision making. Verification of training may be reviewed at <https://www2.cortland.edu/offices/Title-IX/training-requirements>
- I. In the event that a member of the University Appeals Committee, Sexual and Interpersonal Misconduct Appeals Committee or Title IX College Appeals Committee cannot hear the case or must recuse themselves, the Director of Student Conduct may appoint another faculty, staff or Student Hearing Officer to review the case.

Section Fourteen: Summer System

During the period between the spring and fall semesters, all University 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 will be contacted to schedule a telephone meeting to take place during the summer. The student will have the option to request an in-person meeting either during the summer or when the fall semester begins.
- 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.

Section Fifteen: 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 of Conduct, 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.

Section Sixteen: 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, Student Code of Conduct 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 University officials designated in the Student Code of Conduct 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 of Conduct or pursuant to a lawfully issued subpoena, the University 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 www.suny.edu/sunypp (Document Number 6609). Student records for major Student Code of Conduct violations and drug and alcohol policy violations are retained for a minimum of seven years after the end of the academic year of said violation(s) to comply with federal recordkeeping requirements. Records of minor Student Code of 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 University Record Notation Policy in Related University Policies.

Section Seventeen: Notification to Parents of Disciplinary Action

- A. The Vice President for Student Affairs Office may 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 and Administrative Hearings held at those levels as well as Incident Review Meeting that result in any type of probationary status. Cases involving alcohol or drug violations by students under the age of 21 will likely result in notification being sent to parents. Exceptions may be made for repeated minor offenses by a dependent student 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 University 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 and emancipation, 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 Eighteen: Interpretation and Revision

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

[END OF CODE OF STUDENT CONDUCT.]