

Community Rights & Responsibilities

2007-2010

University at Albany
State University of New York

The University at Albany is a diverse community of thousands who should strive at all times to live and learn in an environment of mutual respect. It is important to understand that the freedom that is afforded to you as a member of this community comes with an associated responsibility. *Community Rights and Responsibilities* is the official handbook for students outlining the code to which all our students are held. Please take the time to become familiar with this document. You can print a copy of this document or request a hard copy from the Office of Conflict Resolution and Civic Responsibility in Campus Center 357, or by calling (518-442-5501). Additionally, if you have questions about the contents of this code of conduct, Clarence McNeill, Director of Conflict Resolution and Civic Responsibility, is available to help you. He can be reached at the phone number above or at cmcneill@uamail.albany.edu

COMMUNITY RIGHTS AND RESPONSIBILITIES

As a student at the University at Albany, you are expected to conduct yourself in a manner consistent with the codes outlined in *Community Rights and Responsibilities*. It is important to understand that the freedom that is afforded to you as a member of this community comes with an associated responsibility. This handbook is provided as a reference for you to read and understand the standards that are upheld at this University. Mutual respect of all individuals within this University and the local community is strongly emphasized and all students will be held accountable for violations of these codes

Principles for a Just Community

The University at Albany, State University of New York, is an academic community dedicated to the ideals of justice. A university is above all a place where intellectual life is central and where faculty, staff, and students strive together for excellence in the pursuit of knowledge. It is a particular kind of community with special purposes. Moreover, this academic community, if it is to support our broader ideals, must also be just.

There is no definite theory of justice. The differences in these theories of justice are to be respected. However, among all democratic theories of justice, the principles of equality and liberty are basic. These principles are no less central for a free university.

In a just community, the dignity of the individual and respect for diversity are fundamental. Members of a just community are committed to raising awareness of common ground and to the principles of respect, integrity, innovation, openness, justice and responsibility.

Equality is a necessary part of any university that claims to be a democratic institution. Distinctions based on irrelevant differences are ruled out. Ascriptive characteristics including but not limited to race, religion, gender, class, ethnic background, sexual orientation, age or disability determine neither the value of individuals nor the legitimacy of their views. Only the merit of the individual as a participant in the life of the academic community is worthy of consideration. Bigotry in any form is antithetical to the University's ideals on intellectual, political, and moral grounds and must be challenged and rejected.

Liberty is an equally precious academic principle because the free expression of ideas is the central part of university life. To sustain the advancement and dissemination of knowledge and understanding, the University must allow the free expression of ideas. Protecting speech in all its forms, however, does not mean condoning all ideas or actions. The University sets high standards for itself and denounces the violation of these standards in unequivocal terms. Harassment and other behavior that intrudes upon the rights of others are unacceptable and subject to action under the guidelines of the institution.

There is no guarantee that the principles of justice, once stated, are realized. The University must constantly remind itself that its mission and ethos within the context of justice. A just community is always on guard against injustice, always struggling to move closer to the ideal of justice, always asserting its dedication to justice. The assertion of justice takes place in every part of the community: in the classroom, the lecture hall, the library, the residence hall, wherever members of the University come together. It is the responsibility of all faculty, staff and students to keep the ideals of justice uppermost in the minds of the members of the University so that they may be achieved. Adopted by the University at Albany, State University of New York, May 7, 1990; revised April 3, 2001 – University Senate.

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I. Introduction

The University has formulated a code of standards and expectations, which is consistent with its purpose as an educational institution. These regulations and the procedures for their enforcement described herein, apply to all student conduct and behavior.

Nevertheless, the specific regulations described below should not be viewed as a comprehensive code of desirable conduct; rather they describe the minimum standards needed to reconcile the principles of maximum freedom and necessary order to achieve the basic purposes and goals of the University. (See Appendix A for a statement concerning the authority for the University's disciplinary program.)

By forming a code of ethics, rules and regulations, the University does not absolve each student from accepting responsibility for his or her own behavior. Indeed, the University reaffirms the principle of student freedom coupled with an acceptance of full responsibility for individual action and the consequences of such action.

Students are hereby notified that violations of these regulations may result in a referral to the University judicial system or to specific academic procedures. In addition, actions that violate the criminal code and local, state, or federal laws are sufficient cause for University judicial review or disciplinary action. Moreover, the student should realize that, in such cases, the University may proceed with disciplinary hearings regardless of whether the criminal or civil courts do so.

The University publishes and makes available to all students its regulations and its procedures for enforcing them. Students are expected to become familiar with the regulations of the University and act accordingly.

II. Philosophical Approach to Standards of Conduct

While disciplinary actions must be commensurate with the seriousness of the offense and the total conduct record of the student, specific dispositions are not rigidly predetermined. Judicial procedures and subsequent disciplinary activities are designed as much for guidance and correction of behavior as they are for invoking a fair and appropriate sanction. The University at Albany has adopted a philosophy that inappropriate behavior is often caused by a student's inability to solve a problem, which thereby leads to socially unacceptable behavior. It is the University's policy not only to enforce certain standards of conduct and to curtail inappropriate behavior, but also to provide whatever assistance is possible to enable a student to solve his/her problems in an institutionally acceptable manner.

III. General Regulations

All rules of the Board of Trustees of SUNY, and all the Local, State and Federal Laws apply on the campus. The State of New York laws include, but are not limited to, the New York State Penal Law, the New York State Vehicle and Traffic Law, the New York State Education Law, and the Alcohol Beverage Control Law. In certain cases in which off campus activities violate a stated University regulation, or are likely to create a danger to members of the University, the responsible University official may initiate disciplinary proceedings, whether or not criminal charges have been brought. Members of the University community are expected to act with respect for the safety, personal rights and property of individuals and groups outside the University, as well as to respect the proper authority of local, state and federal officers and officials. Violations of local ordinances, or of state or federal laws, by members of the University community, may entail University disciplinary actions regardless of where such actions occur, if they are of a serious nature affecting the interests of the University community and violate University standards of conduct as set forth herein.

All of the rules and regulations in Community Rights and Responsibilities shall be considered as supplementing and implementing the appropriate rules of the Board of Trustees and local, state and federal laws and shall apply to all students.

IV. Inherent Authority for the Student Disciplinary Program

Section 356 of the Education Law empowers the University Council of each State-operated campus of State University of New York to make regulations governing the conduct of students, subject to the general management, supervision, control and approval of the Board of Trustees of the State University of New York. Pursuant thereto and subject to guidelines established by the Board of Trustees (Guidelines Established by the Board of Trustees, as amended, 8 NYCRR Part 500, July 31, 1967), the Council of the University at Albany has promulgated Community Rights and Responsibilities. All programs for student welfare and conduct are entrusted to and administered by the University at Albany President on behalf of the University

Council. In accordance with the Trustee Guidelines, the University Council promulgated Community Rights and Responsibilities after consultation with members of the University Community:

In order to encourage, maintain and assure adequate communication with and participation by the administration, faculty and students...the (University) Council shall act after consultation with the chief administrative head...and with representatives of faculty and students in promulgating or in reviewing and ratifying regulations on student conduct. In the regulations, the Council may confer upon student groups; faculty, committees, administrative officers or combinations thereof appropriate responsibilities concerning the student conduct and behavior. (8 NYCRR 500.2 (a))

The President has delegated administration of programs for student welfare and conduct to the Vice President for Student Success. Enforcement of standards of conduct, University regulations, recommendations for new policies, or modification of policies or regulations affecting student welfare and conduct are generally initiated through the Office of the Vice President for Student Success. In addition, the Vice President has jurisdiction over the student judicial system within the University disciplinary program, including the following specific responsibilities:

1. Implementation of the disciplinary program.
2. Coordination and initiation of investigations related to misconduct or violations of regulations.
3. Consultation with adjudicatory bodies on disciplinary matters.
4. Serving as a liaison with the Department of Public Safety and other officers concerned with student conduct. (Although Public Safety bears primary responsibility for law enforcement on the campus, disciplinary referrals may result from investigations conducted by others and reported to the Department of Public Safety.)
5. Implementation of programs and actions to ensure safety and welfare.

In addition to Community Rights and Responsibilities, the rules, regulations, and procedures for The Maintenance of Public Order on campuses of the State University of New York, as amended (see Appendix A), adopted by the Board of Trustees, pursuant to section 6450 of the Education Law, are in effect at the University at Albany, as well as all other campuses within the State University of New York.

V. Definitions

1. The term “appellate board” means any person or persons authorized by the Vice President for Student Success to consider an appeal from a judicial board’s or committee’s determination that a student has violated the student conduct code or from the sanctions imposed by the judicial administrator.
2. The term “Committee on Student Conduct” means the judicial body authorized to hear judicial referrals pertaining to alleged violations of Community Rights and Responsibilities by graduate students or judicial referrals pertaining to alleged violations by any student of the Standards of Academic Integrity and to recommend the imposition of sanctions.
3. The term “Director of the Office of Conflict Resolution & Civic Responsibility” means the person designated by the Vice President to administer Community Rights and Responsibilities.
4. The term “faculty member” means any person hired by the University to conduct classroom and or research activities.
5. The term “hearing officer” shall mean a faculty member or university official appointed by the Vice President to hear judicial referrals in lieu of a hearing before a judicial body.
6. The term “judicial administrator” means a University official authorized on a case-by-case basis by the Vice President to impose sanctions upon students found to have violated Community Rights and Responsibilities. The Vice President for Student Success may authorize a judicial administrator to serve simultaneously as a judicial administrator and the sole member or one of the members of a judicial body. Nothing shall prevent the Vice President from authorizing the same judicial administrator to impose sanctions in all cases.
7. The term “Judicial Board” means the judicial body authorized to hear judicial referrals pertaining to alleged violations of Community Rights and Responsibilities by undergraduate students, except alleged violations of the Standards of Academic Integrity, and to recommend the imposition of sanctions.
8. The term “judicial body” shall mean any person or persons appointed by the Vice President and authorized to hear judicial referrals pertaining to alleged violations of Community Rights and Responsibilities and to recommend the imposition of sanctions.
9. The term “judicial referral” shall mean the University Judicial System Standard Case Form that includes a description of alleged misconduct and specific Community Rights and Responsibilities code violations.
10. The term “Judicial System” shall mean the program established to maintain the integrity of the values of the University community by reviewing alleged violations of Community Rights and Responsibilities
11. The term “may” is used in the permissive sense.

12. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Vice President for Student Success.
13. The term “organization” means any number of persons who have complied with the formal requirements for University recognition/registration.
14. The term “policy” is defined as the written regulations of the University as found in, but not limited to, Community Rights and Responsibilities, Residence Hall License Agreement, and the Graduate and Undergraduate Bulletins.
15. The term “shall” is used in the imperative sense.
16. The term “student” includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than the University and who reside in the University residence halls
17. The term “University” means the University at Albany, State University of New York.
18. The term “University official” includes any person employed by the University, performing assigned administrative or professional responsibilities.
19. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets and sidewalks. It includes properties under the authority of Student Association of the University at Albany, University Foundation and the University Auxiliary Services, Inc.
20. The term “Vice President” means the Vice President for Student Success, or designee, who, as the President’s designee, is responsible for the administration of Community Rights and Responsibilities.
21. The term “weapon” means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, knives with blades five or more inches in length.
22. The term “active consent” means that each person involved in sexual contact not only agrees to the sexual activity but also agrees freely and knowingly. A person who has been threatened or coerced, whose judgment is substantially impaired by drugs or alcohol or by physical or mental impairment even if temporary, or who is unconscious or asleep, cannot give consent to sexual contact. A person under the age of 17 years is deemed incapable of giving consent.
23. Section 130.20 – Sexual Misconduct. This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.
24. Section 130.25/.30/.35 – Rape. This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further include sexual intercourse with a person under the age of consent. The penalties for violations of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.
25. Section 130.40/.45/.50 – Criminal Sexual Act. This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.
26. Section 130.52 – Forcible Touching. This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person or for the purpose of gratifying the actor’s sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person’s sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period up to one year.
27. Section 130.55/.60/.65 – Sexual Abuse. This series of offenses include sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.
28. Section 130.65-a/.66/.67/.70 – Aggravated Sexual Abuse. This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

***Numbers 23 – 28 are legal provisions contained in New York State Law defining the crimes related to sexual assault.**

VI. Prohibited Conduct

The conduct listed in this section is in violation of Community Rights and Responsibilities. Such conduct is expressly prohibited. This list is not exhaustive, but is intended to place students on notice of the types of conduct that may result in disciplinary action. The provisions of Community Rights and Responsibilities shall apply both to conduct which occurs on campus or at University sponsored events and to conduct occurring off campus if such off campus conduct is deemed adverse to the interests of the University community. Prohibited conduct includes not only completed actions but also attempted violations of Community Rights and Responsibilities. Prohibited conduct may result in referral to the judicial system. Student groups and organizations recognized administratively or by student government(s) and/or their officers may be charged with, and held responsible for violations of these conduct codes. Sanctions against the student organization and its officers may include revocation of recognition of the group, loss of permission to use University facilities and the University name, as well as other appropriate sanctions pursuant to Section VIII of this code. It is a violation of University policy for students to affiliate with organizations that have had their University recognition suspended or permanently revoked by the University. The definition of affiliation includes joining, rushing, pledging or being involved in any activity that would normally be associated with being a member of such organization.

1. Safety

- a. Causing or creating a fire.
- b. Tampering with safety measures or devices, including but not limited to, alarm systems, fire extinguishers, exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior doors, etc.
- c. Failing to conform to safety regulations, including but not limited to, falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the fire alarm system.

2. Firearms

Possessing or using firearms, other weapons, explosives, fireworks or dangerous chemicals (except as authorized for use in class, or in connection with University-sponsored research or other approved activities). The term firearms includes rifles, shotguns, handguns and multiple firing weapons. Unauthorized possession of a firearm on University premises is a violation of the New York State Penal Law. *

*Storage of shotguns and rifles only, may be provided for at the Public Safety building for approved off campus activities. Students should apply to the Office of Conflict Resolution & Civic Responsibility Office for approval to use the storage facility. Storage and possession of handguns, however, is expressly prohibited.

3. Threatening or Abusive Behavior

Intentionally or recklessly causing physical harm to any person or intentionally or recklessly causing reasonable apprehension of such harm. This conduct includes but is not limited to inflicting bodily harm upon a person by using a self-defense spray in circumstances that do not justify the use of such a device.

4. Harassment

Engaging in verbal or physical conduct that is directed at an individual(s), and according to a person of reasonable sensibilities, is likely to provoke an immediate violent response and a) involves an expressed or implied threat to another person's academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University, or b) is engaged in for the purpose of interfering with such pursuits, employment or participation, or c) creates an intimidating, hostile, or demeaning environment for such pursuits, employment or participation.

5. Sexual Harassment

Any form of non-consensual sexual intimacy or unwanted physical contact and/or sexually explicit derogatory statements which are offensive or which cause the recipient discomfort or humiliation or which interfere with the recipient's work, academic performance or living conditions. It can include: leering at a person's body; unnecessary touching, patting, pinching, or constant brushing against a person's body; subtle pressure for sexual favors; demanding sexual favors or physical assault; and unwarranted verbal or sexually explicit statements directed to an individual. (See Appendix B).

6. Rape, Sexual Assault and Sexual Exploitation

Sexual Assault I—By a stranger or acquaintance, sexual intercourse or any sexual penetration, however slight, of another person's oral, anal, or genital opening with any object (an object includes but is not limited to parts of a person's body) where active consent was not established. Where the victim purported to give consent, but the accused used force, threat, intimidation, or the victim's mental or physical helplessness, the charge of Sexual Assault I also applies. Mental or physical helplessness would include, but not be limited to, sleep, as well as the inability to consent due to excessive alcohol or drug use or consumption.

Sexual Assault II—By a stranger or acquaintance, touching a person's intimate parts (defined as genitalia, groin, breast, or buttocks), whether directly or through clothing, where active consent was not established. Sexual Assault II also includes forcing an unwilling person to touch another's intimate parts. Where the victim purported to give consent, but the accused used force, threat, intimidation, or the victim's mental or physical helplessness, the charge of Sexual Assault II also applies. Mental or physical helplessness would include, but not be limited to, sleep, as well as the inability to consent due to excessive alcohol or drug use or consumption.

Sexual Exploitation—Nonconsensual, abusive sexual behavior that does not otherwise constitute Sexual Assault I, Sexual Assault II or Sexual Harassment. Examples include but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party; nonconsensual video or audio taping of sexual activity; allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; and inducing incapacitation with the intent to sexually assault another person.¹

The University's Sexual Assault Prevention statement and Statement of Principles and Rights are set forth in Appendix J.

7. Hazing

Respect for the dignity and the rights of other students are the basic tenets of the academic community. Hazing has no place in the academic community. Hazing is defined as any reckless or intentional conduct in connection with the initiation into or affiliation with any organization which endangers the mental or physical health of any person or which damages, destroys or removes any public or private property.

Examples of hazing activities include, but are not limited to:

- Forced or required participation in physical activities such as calisthenics, exercises, games or "make work" activity;
- Forced, required or condoned application of foreign substances to the body resulting in lewdness or a potential for ridicule or bodily harm (such as tattooing or branding);
- Participation in activities that involve illegal acts such as "pledge ditches" and kidnappings;
- Creation of excessive fatigue and stress through deprivation of privacy or sufficient sleep (defined as a minimum of six consecutive hours per day) or decent and edible meals;
- Deprivation of access to means of maintaining personal hygiene;
- Forced or required conduct that would embarrass or negatively affect the dignity of the individual, such as forced nudity or partial nudity, including coercing or allowing an individual to dress in a degrading manner as part of initiation or affiliation with a group;
- Use of physical brutality (including paddling; striking with fists, feet, open hands or objects; and branding);

¹ Sexual exploitation definition adapted from Students Active for Ending Rape, c 2003.

- Participation in or creation of situations that cause psychological harm or substantial emotional strain, such as causing a member or pledge to be the object of malicious amusement or ridicule or other verbal abuse, causing embarrassment or shame to a member or pledge, or compromising the dignity of a member or pledge.

8. Academic Dishonesty

Conduct including, but not limited to, plagiarism, cheating, multiple submission, forgery, sabotage, unauthorized collaboration, falsification, bribery or use of purchased research service reports without appropriate notation; and theft, damage or misuse of library or computer resources. Attempts to commit such acts shall also constitute academic dishonesty. Students assume full responsibility for honesty in academic exercises. The University standards of academic integrity are set forth in Appendix C. **

**Students should be warned that if found guilty of academic dishonesty they may be subject to two types of sanctions. If the instructor is convinced that the student has been dishonest, he or she may administer an academic penalty. The student who disagrees with the judgment or penalty may appeal through established academic appeal procedures. Consult the appropriate department chair, school dean, or academic bulletins for details. At the same time the student may be subject to the proceedings and penalties of the student judicial system outlined in Community Rights and Responsibilities.

9. Forgery, Fraud, Dishonesty

Altering or misusing documents, records, stored data or instrument of identification, or furnishing false information to any University official or faculty member.

10. Property Damage

- a. Removing, destroying or damaging University property, or property under University administration or supervision.
- b. Destroying or damaging the property of others.

11. Theft

Stealing property and/or services; knowingly possessing stolen property.

12. Unauthorized Entry or Use

Entering or using University facilities or property, or property belonging to individuals or University-recognized groups or corporate entities, without proper authorization, or permitting others to do so by willful tampering with locks or security devices.

13. Obstruction or Disruption

Obstructing or disrupting University activities, including but not limited to, teaching, research, administration, disciplinary procedures, or other authorized activities including public service functions. It can include participation in campus demonstrations which disrupt the normal operations of the University and infringes on the rights of other members of the University community by leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

14. Organization and Event Registration

Failing to comply with policies or regulations governing the registration of student organizations, events on campus, and use of University facilities.

15. Compliance

Failing to comply with the directions of an authorized University official, faculty or staff member acting in the performance of his or her duties, or any other person responsible for a facility or registered function acting in accordance with those

responsibilities. It is the responsibility of the University official or person acting on behalf of the University to identify him or herself and to state the reasons for the direction that is given. Compliance with this regulation does not supersede the right not to incriminate oneself.

16. Drugs

Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), possessing, using, or distributing a controlled substance or dangerous drug, or any drug unlawful to possess, e.g. marijuana, except as expressly permitted by law. Penalties may include attendance and completion of appropriate rehabilitation programs in addition to sanctions described in these guidelines (see Appendix D).

17. Alcohol

Use, possession, or distribution of alcoholic beverages except as expressly permitted by the law and University regulations or public intoxication. (See Appendix E).

18. Vehicles

Violating University policies and regulations governing the possession or use of motor vehicles on campus. The Office of Parking & Mass Transit publishes these regulations. Penalties may include fines or withdrawal of the right to use a vehicle on campus in addition to or in lieu of penalties described in these guidelines.

19. Smoking

Smoking is prohibited in all indoor University buildings except in those residence halls, which are duly designated as areas where "smoking" is limited to private suites and bedrooms. Smoking is prohibited out of doors in the following areas: within 30 feet of exterior ventilation intakes; within 10 feet of building entrances and open windows; and in all exterior stairwells. **(Effective: June 2006 ALL University residence halls will be designated "smoke-free")**.

20. Residence Hall Regulations

Failure to abide by Residence Hall Regulations as defined in the terms and conditions of the Residence Hall License (see Appendix F).

21. Disruptive Conduct

Acting to impair, interfere with or obstruct the orderly conduct, processes and functions of the University or surrounding community. This behavior includes, but is not limited to, excessive noise, abusive or obscene language in a public place, obstructing vehicular or pedestrian traffic and boisterous or threatening conduct which is unreasonable in the area, time or manner in which it occurs.

22. Electronic Communication

Use of the University voice or data communications networks in violation of applicable University policy, including, but not limited to, the University's *Policy on the Responsible Use of Information Technology* (see Appendix G).

23. Hate or Bias-Related Crime or Incident

Engaging in behaviors or using language that demonstrate hatred or bias against other persons because of national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status (See Appendix I).

24. Gambling

Gambling, including, but not limited to, contests of chance, illegal lottery and policy for money or something of value; promoting or advancing gambling; gambling using University computing/network facilities; possessing gambling devices or gambling records is prohibited.

25. Abuse of the Judicial System

Abusing the judicial system, including but not limited to:

- a. Failure to obey the summons of a judicial body or University official.
- b. Falsification, distortion, or misrepresentation of information before a judicial body
- c. Disruption or interference with the orderly conduct of a judicial proceeding.
- d. Knowingly instituting a judicial referral without cause.
- e. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- f. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during, and/or after a judicial proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, and/or during, and/or after a judicial proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Conduct Code.
- i. Influencing or attempting to influence another person to commit an abuse of the judicial system.

VII. Judicial System

1. Introduction

Students wishing to discuss matters pertaining to the judicial system may inquire at the Office of the Vice President for Student Success. Other resource persons on campus include the Director of the Office of Conflict Resolution & Civic Responsibility, Residence Hall Assistants, Residence Hall Directors, Quadrangle Coordinators, Judicial Board Advisors, Judicial Administrators and the Student Association Attorney. In keeping with the University's philosophy of encouraging student participation in the governance of the institution, provision is made for student involvement in the judicial system. Campus judicial bodies are advised by professional staff of the Student Success Division and by other staff and faculty as authorized by the Vice President.

The Vice President ultimately bears responsibility for the disposition of all cases. Options available to the Vice President for disposing of cases include:

- a. Referral to a judicial board or committee;
- b. Assignment of the case to a hearing officer.
- c. Administrative resolution of the case at an informal disciplinary conference or through an administrative review process.
- d. Referral to mediation services

A copy of each judicial referral will be filed with the Vice President (or the Office of Residential Life for residence-based cases) prior to the actual hearing. Prior to forwarding the referral to an appropriate judicial body, the Office shall notify the subject(s) of the referral that a referral has been received. A summary of the case and the recommendation by the judicial body for University action will be provided to the Vice President for review and action.

2. Judicial Referrals

Any member of the University community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the judicial administrator responsible for the administration of the University judicial system. Any charge should be submitted as soon as possible after the event takes place, preferably within the academic year in which the alleged infraction took place. All charges shall be presented to the accused student in written form five days in advance of any hearing before a judicial body. The accused shall have the opportunity to respond to the evidence against them, the right to be accompanied by an advisor and the right to appeal the disciplinary decision as applicable.

The judicial administrator may conduct an investigation to determine if the charges have merit and/or if the judicial administrator can dispose them of through an administrative review. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by administrative review, the judicial administrator may later serve in the same matter as the judicial body or a member thereof.

3. Types of Hearings

a. Judicial Body

Each year, the Vice President shall be responsible for establishing the Judicial Board and for establishing its operating procedures. In that process, the Vice President may consult with the Student Association but the ultimate responsibility for establishment of the Board rests with the Office of the Vice President. A pool of students will be identified to hear cases stemming from referrals from the residence halls or on University premises. The pool will consist of resident and non-resident students, and sub-groups will be convened as frequently as necessary to handle the caseload. Selection, training and advisement shall be the responsibility of members of the Student Success Staff.

b. Committee on Student Conduct

The University Senate establishes the Committee on Student Conduct. This Committee is established to serve as the primary hearing body in cases initiated by faculty and administrative offices, including residence-based cases, as circumstances require, and in cases, which involve graduate students. The Committee also considers, reviews, and recommends policies, procedures, and regulations relating to student conduct.

c. Hearing Officer

The Director of the Office of Conflict Resolution & Civic Responsibility may refer, or either party may request that his or her case be considered by a hearing officer appointed by the Vice President in lieu of a hearing before a judicial body.

d. Administrative Review

When the referred student agrees to the facts in a judicial referral and waives his/her rights under Community Rights and Responsibilities, s/he may consent to an administrative review of the referral and to the imposition of a disciplinary sanction(s). This consent shall be in writing in a form satisfactory to the Vice President. The appeal rights of both parties remain unchanged. Appeals of administrative review determinations shall be limited to the appropriateness of the sanction.

e. Informal Disciplinary Conference

Students subject to less severe sanctions (e.g. Warning, Probation and Community Service) will be entitled to an informal disciplinary conference with a representative from the Office of Conflict Resolution & Civic Responsibility. The judicial administrator will impose lower level sanctions commensurate with the offense. Complex or contested cases may be referred by the judicial administrator for a formal hearing.

f. Mediation

This procedure is governed by operating procedures established by the Vice President and is generally reserved for first and less serious violators. It is employed when a violation arises out of a dispute between a referred student and another party or parties. The goal is to design a mechanism to resolve the dispute and to prevent it from recurring. The Office of Conflict Resolution & Civic Responsibility will retain a record of the mediation efforts and the agreed-upon resolution. If the referred party fails to live up to the agreed settlement, the referral will be forwarded to a judicial body.

g. University Community Accountability Board (U.C.A.B)

This procedure is governed by operating procedures established by the Vice President and is generally reserved for first-time and less serious violators. UCAB facilitators are selected from a pool of faculty, staff and students. The UCAB was born out of the *Restorative Justice* model, which presents an alternative to the traditional disciplinary process by engaging the responsible party, as well as the parties harmed by their behavior, in a dialogue that seeks to repair harm. The goal is

to design a process, which reintegrates the responsible party into the community. The student also plays a key role in deciding what he or she must do to repair the harm they may have caused by their behavior.

4. Conduct of Hearings

Each judicial body shall conduct hearings so as to assure the basic concept of procedural fairness. The following procedures shall be adhered to:

- a. The judicial administrator shall give appropriate advance notice, in writing, of the charges against the student, to insure that he or she may adequately prepare for such hearing. The notice shall clearly indicate the violated regulations, and shall indicate the date, time and place of the hearing. The student should receive the notification at least five calendar days prior to the hearing.
- b. The hearing shall not be considered to be a formal legalistic trial. Rather, the judicial body or hearing officer shall examine all relevant facts and circumstances at the hearing and shall come to a decision based upon a preponderance of the evidence. In all cases the burden of proof rests with the referring party.
- c. It shall be the initial responsibility of the hearing officer or chair of the judicial body to insure the relevancy of testimony. The primary function of any hearing body or officer is to determine whether the accused student has violated the provisions of Community Rights and Responsibilities and if so, recommend an appropriate sanction.
- d. Hearings are generally regarded as confidential and closed to all but the principals of the case, unless both parties agree to the presence of others.
- e. Tape recording will be made of the proceedings unless a request not to do so is received and approved by the Office of the Vice President three (3) days prior to the hearing. If approved, a written record of the hearing will be made.
- f. At the hearing the student being referred and the referring party should have ample opportunity to explain the circumstances surrounding the incident and are encouraged to present pertinent evidence and the testimony of witnesses in person. In addition, both parties should be afforded the opportunity to ask questions of any witnesses who appear, to comment on any written statements or other evidence presented, and to respond to questions.
- g. Both parties have the right to be assisted in their presentation by an advisor of their choice. The advisor may be, but is not limited to, a fellow student, faculty member, or a lawyer. The advisor may speak privately to the advisee during the proceedings. Either party may request a brief recess to consult with her or his advisor. At no time during the hearing, however, will such advisor be permitted to speak for the advisee.
- h. No member of the judicial body or the hearing officer should be either a witness for or against the student or a person previously engaged in formulating the charge or in presenting the material relating to the case.
- i. The referred party will be notified, in writing, by the Vice President, of the final decision and of the right to appeal. Consistent with the provisions of the Family Educational Rights and Privacy Act (FERPA) regulations, and in cases involving a non-forcible sex offense or crime of violence, both the referred student and the victim shall be notified of the final decision of the judicial referral.
- j. The student may waive, in writing, to the Vice President, the requirements of a hearing. In such cases, the judicial administrator will consider the evidence available and base a decision upon a consideration of such evidence.
- k. If the referred party does not waive the right to a hearing and fails to appear at the scheduled hearing after appropriate notice, the case will be considered by the judicial body or hearing officer and a decision rendered based on the available evidence.

5. Conduct of University Community Accountability Board (U.C.A.B)

- a. The U-CAB is governed by operating procedures established by the Vice President and cases are referred to the U-CAB at the discretion of the Vice President or his designee when they meet the following criteria;
- b. The student accepts responsibility for violating the student conduct code;
- c. The student expresses remorse for their behavior;
- d. The student's presence on campus does not constitute a threat to the community;
- e. The student expresses an interest in waiving their right to a judicial hearing;
- f. There is an obvious harmed party, whether an individual or a community;

- g. The student can identify who was harmed by his or her behavior;
- h. The student is willing to work with the board to identify ways to repair the harm caused by his or her behavior. This constitutes a binding agreement that is written up and signed prior to the end of the board meeting;
- i. The student actively participates in the process;
- j. The student completes all aspects and phases of the agreement;
- k. The student attends an exit interview;
- l. The student's case is closed and the judicial referral is considered closed;
- m. A student can elect to have their case sent to a judicial hearing at any point during this process;
- n. A student who fails to complete their agreement and exit interview will be referred to a judicial hearing for resolution of their case.

This process is designed to reconnect the student to the community as a productive citizen. Once a student has participated in a U-CAB process, they cannot go through the process a second time for similar behavior.

Note: A student who withdraws from the University shall not be exempt from disciplinary proceedings for behavioral infractions, which took place prior to withdrawal. Campus disciplinary procedures shall be followed with the accused student receiving due notice of hearing. Any resulting sanction of suspension or dismissal will appear on the undergraduate or graduate record.

VIII. SANCTIONS

Disciplinary sanctions shall be communicated to students in writing. A copy of the letter to the student describing the sanction will be maintained in the Office of Conflict Resolution & Civic Responsibility and may be used to assist in determining sanctions in subsequent disciplinary cases for which more serious sanctions may be imposed. Letters of dismissal are maintained, with corresponding judicial case files, permanently. All other sanctioning letters and case files are maintained as confidential records for six years after the date of last attendance and thereafter destroyed.

***Note: A student with no prior disciplinary record may be subject to suspension or dismissal for a serious violation of University regulations including, but not limited to, academic dishonesty, violence, including sexual assault, hazing, driving while intoxicated, hate/bias related crimes or incidents, computer tampering, possessing, using or distributing alcohol and/or any drug unlawful to possess, or tampering with fire or other safety devices.**

1. Temporary Suspension

The Vice President may take action immediately to suspend a student from the University and remove the student from campus when the Vice President reasonably believes that the continued presence of such student would constitute a danger to the student or to the safety of persons or property on the campus. The suspension is temporary, pending proper service of charges, referral to the appropriate judicial body, and a review of the charges by the judicial body or officer. Upon request of the suspended student, the Vice President shall provide for an immediate conference with respect to the basis for such suspension.

2. Temporary Removal from Residence

When the Director of Residential Life reasonably believes that the behavior of a resident student significantly detracts from the educational environment of the residence hall or constitutes a danger to the safety of other persons or property in the residence hall, the Director may temporarily remove the student from campus housing and restrict the student from the buildings and grounds of the quadrangle. The removal is temporary, pending proper service of charges, referral to the appropriate judicial body, and review of the charges by the judicial body or officer. Upon request of the removed student, the Director shall provide for an immediate conference with respect to the basis for such removal.

3. University Disciplinary Warning

A warning letter issued by the Vice President. This warning is given when the offense was a violation of University regulations.

3. Residence Hall Probation

Places the student on probation in University residence for a stated period of time. This is in response to violations of University regulations in the residence halls. This sanction may be given in addition to University Disciplinary Warning or Disciplinary Probation. It is meant to notify a student that his or her housing privileges may be in jeopardy.

5. Disciplinary Probation

A more stringent warning used in response to more serious or frequent violations of University regulations. Further violations would require consideration of Disciplinary Suspension.

6. Disciplinary Removal from Residence

Removes the student from University-operated residence halls on either a permanent basis or for a stated period of time. This is a more stringent action, usually taken in response to serious or repeated violations of University regulations. Individuals disciplinarily removed from the residence halls forfeit room and board charges for the semester in which the disciplinary action occurred.

7. Disciplinary Suspension

Separates the student from the University for a stated minimum period of time. At the end of the period the student may apply for readmission. The statement "Suspension—Disciplinary" appears on the Undergraduate or Graduate Record for a period of six (6) years after the date of last attendance, after which time the notation shall be removed from the student's record, and the letter of sanction and all corresponding case files destroyed. Individuals disciplinarily suspended from the University forfeit tuition and fees as well as the semester room and board charges in which the disciplinary action occurred, and shall not receive academic credit for the semester in which the suspension occurred.

8. Disciplinary Dismissal

Permanently separates the student from the University. The statement "Dismissal—Disciplinary" appears on the Undergraduate or Graduate record. Individuals disciplinarily dismissed from the University forfeit tuition and fees as well as the semester room and board charges in which the disciplinary action occurred, and shall not receive academic credit for the semester in which the dismissal occurred.

9. Restitution

Available at any violation to compensate for damages done or pay for expenses incurred as a result of the student's behavior.

10. Community Service

Available at any violation to supplement or replace any other judicial action.

11. Residence Hall or Campus Restriction

A student may be restricted from appearing in any or all of the residences on campus if it is reasonably believed that the student poses a threat to the health or safety of the residents. Other restrictions may be imposed such as denial of access to specified campus services or programs. A student may also be barred from the entire campus if the Vice President reasonably believes the student poses a threat to the health, safety or well being of the University community.

12. Parental Notification

In accordance with Family Educational Rights and Privacy Act (FERPA) regulations, the Vice President may, in the exercise of his or her discretion, notify the parent(s) of any student found to have violated the provisions of Community Rights and Responsibilities.

IX. APPEALS

The Vice President bears responsibility for the review of appeals of student conduct decisions and shall review appeals of all cases heard by the Judicial Board or a hearing officer. The Vice President may establish an Appeal Review Board comprised of students from the pool with prior experience hearing disciplinary cases. The Appeal Review Board shall hear such appeals as referred to it and shall recommend its findings to the Vice President. The Vice President shall render a final decision.

Appeals arising from cases heard by the Committee on Student Conduct may be referred by the Vice President in appropriate circumstances to a subcommittee comprised of Committee members who did not participate in the original hearing. The subcommittee shall hear such appeals as referred to it and shall recommend its findings to the Vice President. The Vice President shall render a final decision.

Except as provided in Section VII. 3. D. grounds for appeal are: procedural error, new evidence or appropriateness of the sanction. The Vice President will review the appeal in accordance with these criteria and determine if the appeal is accepted for further review.

- a. The referred party has the right to one appeal of a disciplinary sanction(s). The act of filing an appeal usually postpones the sanction required by the initial decision until the appeal process is completed, unless the Vice President determines postponement of the sanction may result in a threat to the University community.
- b. A student must file an appeal with the Vice President within seven days of receiving notification of the decision on the judicial referral. An extension of the appeal period may be requested in writing to the Vice President to accommodate periods of University recess or for other extenuating circumstances.
- c. The individual seeking the appeal must indicate, in writing, the specific bases or reasons for his or her appeal. The appeal statement should be of sufficient detail to permit the evaluation of the merit of the appeal.
- d. The appeal board or committee will consider the written statement of appeal and recommend action to be taken. The individuals involved will receive written notification of the decision by the Vice President.
- e. If the result of the appeal is an order for a rehearing, the hearing rules described above shall apply.

Appendix A:

Rules and Regulations for the Maintenance of Public Order

I. Applicability

The Board of Trustees of the State University of New York adopted the following rules and regulations pertaining to the maintenance of public order on State University campuses. These rules and regulations are binding on all persons on University-controlled premises.

Section 535.1 Statement of Purpose

The following rules are adopted in compliance with section 6450 of the Education Law and shall be filed with the Commissioner of Education and the Board of Regents on or before July 20, 1969, as required by that section. Said rules shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and Board of Regents within 10 days after adoption. Nothing herein is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly. Free inquiry and free expression are indispensable to the objectives of a higher educational institution. Similarly, experience has demonstrated that the traditional autonomy of the educational institution (and the accompanying institutional responsibility for the maintenance or order) is best suited to achieve these objectives. These rules shall not be construed to prevent or limit communication between and among faculty, students and administration, or to relieve the institution of its special responsibility for self-regulation in the preservation of public order. Their purpose is not to prevent or restrain controversy and dissent but to prevent abuse of the rights of others and to

maintain that public order appropriate to a college or university campus without which there can be no intellectual freedom and they shall be interpreted and applied to that end.

Section 535.2 Application of rules

These rules shall apply to all State-operated institutions of the State University except as provided in Part 550 as applicable to the State University Maritime College. These rules may be supplemented by additional rules for the maintenance of public order heretofore or hereafter adopted for any individual institution, approved and adopted by the State University trustees and filed with the Commissioner of Education and Board of Regents, but only to the extent that such additional rules are not inconsistent herewith. The rules adopted shall govern the conduct of students, faculty and other staff, licensees, invitees, and all other persons whether or not their presence is authorized, upon the campus of any institution to which such rules are applicable and also upon or with respect to any other premises or property, under the control of such institution, used in its teaching, research, administrative, service, cultural, recreational, athletic and other programs and activities: provided, however, that charges against any student for violation of these rules upon the premises of any such institution other than the one at which he is in attendance shall be heard and determined at the institution in which he is enrolled as a student.

Section 535.3 Prohibited Conduct

No person, either singly or in concert with others, shall:

- a. Willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which he has a lawful right to do or to do any act which he has a lawful right not to do;
- b. Physically restrain or detain any other person from any place where he is authorized to remain;
- c. Willfully damage or destroy property of the institution or under its jurisdiction, not remove or use such property with authorization;
- d. Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member.
- e. Enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- f. Without authorization, remain in any building or facility after it is normally closed;
- g. Refuse to leave any building or facility after being required to do so by an authorized administrative officer;
- h. Obstruct the free movement of persons and vehicles in any place to which these rules apply;
- i. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his views, including invited speakers;
- j. Knowingly have in his possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer; whether or not a license to possess the same has been issued to such person;
- k. Willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; or
- l. Take any action, create, or participate in the creation of, any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

Section 535.4 Freedom of Speech and Assembly; Picketing and Demonstrations

- a. No student, faculty or other staff member or authorized visitor shall be subject to any limitation or penalty solely for the expression of his views nor for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations in public areas of ground and building will not be interfered with. Those involved in picketing and demonstrations may not, however, engage in specific conduct in violation of the provisions of the preceding section.
- b. In order to afford maximum protection to the participants and to the institutional community, each State-operated institution of the State University shall promptly adopt and promulgate, and thereafter continue in effect as revised from time to time, procedures appropriate to such institution for the giving of reasonable advance notice to such institution of any planned assembly, picketing or demonstration upon the grounds of such institution, its proposed locale and intended purpose; provided, however, that the giving of such notice shall not be made a condition precedent to any such assembly picketing or demonstration and provided, further, that this provision shall not supersede nor preclude the procedures in effect at such institution for obtaining permission to use the facilities thereof.

Section 535.5 Penalties

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

- a. If he is a licensee or invites, have his authorization to remain upon the campus or other property withdrawn and shall be directed to leave the premises. In the event of his failure or refusal to do so he shall be subject to ejection.
- b. If he is a trespasser or visitor without specific license or invitation, be subject to ejection.
- c. If he is a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning.
- d. If he is a faculty member having a term or continuing appointment, be guilty of misconduct and be subject to dismissal or termination of his employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.
- e. If he is a staff member in the classified service of the civil service, described in section 75 of the Civil Service Law, be guilty of misconduct, and be subject to the penalties prescribed in said section.
- f. If he is a staff member other than one described in subdivisions (d) and (e) of this section, be subject to dismissal, suspension without pay or censure.

Section 535.6 Procedure

- a. The chief administrative officer or his designee shall inform any licensee or invites who shall violate any provisions of these rules (or of the rules of any individual institution supplementing or implementing these rules) that his license or invitation is withdrawn and shall direct him to leave the campus or other property of the institution. In the event of his failure or refusal to do so such officer shall cause his ejection from such campus or property.
- b. In the case of any other violator, who is neither a student nor faculty or other staff member, the chief administrative officer or his designee shall inform him that he is not authorized to remain on the campus or other property of the institution and direct him to leave such premises. In the event of his failure or refusal to do so such officer shall cause his ejection from such campus or property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation nor to affect his liability to prosecution for trespass or loitering as prescribed in the Penal Law.
- c. In the case of a student, charges for violation of any of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be presented and shall be heard and determined in the manner hereinafter provided in section 535.9 of this part.
- d. In the case of a faculty member having a continuing or term appointment, charges of misconduct in violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined in accordance with title D of Part 888 of the policies of the Board of Trustees.
- e. In the case of any staff member who holds a position in the classified civil service, described in section 75 of the Civil Service Law, charges of misconduct in violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined as prescribed in that section.
- f. Any other faculty or staff member who shall violate any provision of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be dismissed, suspended or censured by the appointing authority prescribed in the policies of the Board of Trustees.

Section 535.7 Enforcement Program

- a. The chief administrative officer shall be responsible for the enforcement of these rules (or of the rules of any individual institution supplementing or implementing these rules) and shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
- b. It is not intended by any provision herein to curtail the right of students, faculty or staff to be heard upon any matter affecting them in their relations with the institution. In the case of any apparent violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) by such persons, which, in the judgment of the chief administrative officer or his designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged there in to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from

any premises of the institution where their continued presence and conduct is in violation of these rules (or of the rules of any individual institution supplementing or implementing these rules).

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

Section 535.8 Communication

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

Section 535.9 Notice, Hearing and Determination of Charges against students

(Additional statutory authority; Education Law, 355(2)(b))

- a. The term chief administrative officer, as used in these rules, shall be deemed to mean and include any person authorized to exercise the powers of that office during a vacancy therein or during the absence or disability of the incumbent and for purposes of this section shall also include any designee appointed by said officer.
- b. Whenever a complaint is made to the chief administrative officer of any State-operated institution of the university of a violation by a student or students of the rules prescribed in the part (or of any rules adopted by an individual institution supplementing or implementing such rules) or whenever he has knowledge that such a violation may have occurred, he shall cause an investigation to be made and the statements of the complainants, if any, and of other persons having knowledge of the facts reduced to writing. If he is satisfied from such investigation and statements that there is reasonable ground to believe that there has been such a violation, he shall prepare or cause to be prepared charges against the student or students alleged to have committed such violation which shall state the provision prescribing the offense and shall specify the ultimate facts alleged to constitute such offense.
- c. Such charges shall be in writing and shall be served on the student or students named therein by delivering the same to him or them personally, if possible, or, if not, by mailing a copy of such charges by registered mail to such student or students at his or their usual place or places of abode while attending college and also to his or their home address or addresses, if different.
- d. The notice of charges so served shall fix a date for a hearing thereon not less than 10 or more than 15 days from the date of service, which shall be the date of mailing where necessary to effect, service by mail. Failure to appear in response to the charges on the date fixed for hearing, unless there has been a continuance for good cause shown, shall be deemed to be an admission of the facts stated in such charges and shall warrant such action as may then be appropriate thereon. Before taking such action the hearing committee, hereinafter referred to, shall give notice to any student, who has failed to appear, in the manner prescribed in subdivision (c), of its proposed findings and recommendations to be submitted to the chief administrative officer and shall so submit such findings and recommendations 10 days thereafter unless the student has mean while shown good cause for his failure to appear, in which case a date for hearing shall be fixed.
- e. Upon demand at any time before or at the hearing, the student charged or his representative, duly designated, shall be furnished a copy of the statements taken by the chief administrative officer in relation to such charges and with the names of any other witnesses who will be produced at the hearing in support of the charges; provided, however, that this shall not preclude the testimony of witnesses who were unknown at the time of such demand.
- f. The chief administrative officer may, upon the service of charges, suspend the student named therein, from all or any part of the institution's premises or facilities, pending the hearing and determination thereof, whenever, in his judgment, the continued presence of such student would constitute a clear danger to himself or to the safety of persons or property on the premises of the institution or would pose an immediate threat of disruptive interference with the normal conduct of the institution's activities and functions; provided, however, that the chief administrative officer shall grant an immediate hearing on request of any student so suspended with respect to the basis for such suspension.

- g. There shall be constituted at each State-operated institution a hearing committee to hear charges against students of violation of the rules for maintenance of public order prescribed by or referred to in this part. Such committee shall consist of three members of the administrative staff and three members of the faculty, designated by the chief administrative officer, and three students who shall be designated by the members named by the chief administrative officer. Each such member shall serve until his successor or replacement has been designated. No member of the committee shall serve in any case where he is witness or is or has been directly involved in the events upon which the charges are based. In order to provide for cases where there may be such a disqualification and for cases of absence or disability, the chief administrative officer shall designate an alternate member of the administrative staff and an alternate member of the faculty, and his principal designees shall designate an alternate member of the faculty, and his principal designees shall designate an alternate student member to serve in such cases. Any five members of the committee may conduct hearings and make findings and recommendations as hereinafter provided. At any institution where the chief administrative officer determines that the number of hearings which will be required to be held is, or may be, so great that they cannot otherwise be disposed of with reasonable speed, he may determine that the hearing committee shall consist of six members of the administrative staff and six members of the faculty to be designated by him. In such event the chief administrative officer shall designate one of such members as chairman who may divide the membership of the committee into three divisions each to consist of two members of the administrative staff, two faculty members and two students and may assign charges among such divisions for hearing. Any four members of each such division may conduct hearing and make recommendations as hereinafter provided.
- h. The hearing committee shall not be bound by the technical rules of evidence but may hear or receive any testimony or evidence which is relevant and material to the issues presented by the charges and which will contribute to a full and fair consideration thereof and determination thereon. A student against whom the charges are made may appear by and with representatives of his choice. He may confront and examine witnesses against him and may produce witnesses and documentary evidence in his own behalf. There may be present at the hearing: the student charged and his representatives and witnesses; other witnesses; representatives of the institutional administration; and, unless the student shall request a closed hearing, such other members of the institutional community or other person, or both, as may be admitted by the hearing committee. A transcript of the proceedings shall be made.
- i. Within 20 days after the close of a hearing, the hearing committee shall submit a report of its findings of fact and recommendations for disposition of the charges to the chief administrative officer, together with a transcript of the proceedings, and shall at the same time transmit a copy of its report to the student concerned or his representative. Within 10 days thereafter the chief administrative officer shall make his determination thereon. Final authority to dismiss the charges or to determine the guilt of those against whom they are made and to expel, suspend or otherwise discipline them shall be vested in the chief administrative officer. If he shall reject the findings of the hearing committee in whole or in part, he shall make new findings, which must be based on substantial evidence in the record and shall include them in the notice of his final determination which shall be served upon the student or students with respect to whom it is made.

Section 535.10 Rules for Organizations

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

presented by the charge and which will contribute to a full and fair consideration thereof and determination thereon. The organization's representative may confront and examine witnesses against it and may produce witnesses and documentary evidence on its behalf. The hearing panel shall submit written findings of fact and recommendations for disposition of the charge to the chief administrative officer within 20 days after the close of the hearing.

4. Final authority to dismiss the charges or to make a final determination shall be vested in the chief administrative officer. Notice of the decision shall be in writing, shall include the reasons supporting such decision; and shall be served on the principal officer of the organization by mail in the manner described in paragraph (2) of this subdivision within a reasonable time after such decision is made.
- c. Penalties. Any organization which authorizes the prohibited conduct described in subdivision (a) of Section 535.3 of this part shall be subject to the rescission of permission to operate upon the campus or upon the property of the State-operated institution used for educational purposes. The penalty provided in this subdivision shall be in addition to any penalty which may be imposed pursuant to the Penal Law and any other provision of law, or to any penalty to which an individual may be subject pursuant to this part.
- d. Bylaws. Section 6540(1) of the Education Law requires that the provisions of this part which prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be deemed to be part of the bylaws of all organizations which operate upon the campus of any State-operated institution used for educational purposes. The statute further requires that each such organization shall review these bylaws annually with individuals affiliated with the organization.
- e. Distribution. Copies of the provisions of this part, which prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization, shall be given to all students enrolled in each State-operated Institution.

Appendix B:

Sexual Harassment

Students at the University have a right to an environment free from sexual harassment, not only by persons in positions of power, but by any member of the University community. Sexual harassment constitutes a serious threat to the free interaction and exchange necessary for educational and personal development.

Sexual harassment may range from inappropriate sexual innuendoes to coerced sexual relations. It can happen to both men and women, but a woman is more often the victim.

The Affirmative Action Office provides support and advice to persons who, through no fault of their own, find themselves in an embarrassing or untenable position due to the unacceptable and inappropriate actions of another person.

For counseling and support, contact:

University Affirmative Action Office

UAB 330

518-437-4780*

http://www.albany.edu/affirmative_action/

*The name and number of your school or department's sexual harassment advisor can be obtained from your department chair or by calling this number.

Appendix C:

Standards of Academic Integrity - as approved by Undergraduate Academic Council (U.A.C) and Graduate Academic Council (G.A.C); May 2006.

As a community of scholars, the University at Albany has a special responsibility to integrity and truth. By testing, analyzing, and scrutinizing ideas and assumptions, scholarly inquiry produces the timely and valuable knowledge that guide and inform important and significant decisions, policies, and choices. Our duty to be honest, methodical and careful in the attribution of data and ideas to their sources establishes the foundations of our work. Misrepresenting or falsifying scholarship undermines the essential trust on which our community depends. Every member of the community, including both faculty and students, shares an interest in maintaining the highest standards of academic integrity.

Violations of trust harm everyone. The academic community has to trust that its members do not misrepresent their data, take credit for another's ideas or labor, misrepresent or interfere with the work of other scholars, or present previous work as if it were new. Acts of academic dishonesty undermine the value and credibility of the institution as a whole, and may distract others from important scholarship or divert resources away from critical research. In particular, students who plagiarize or falsify their work have not only failed to adhere to the principles of scholarly inquiry and failed their peers by taking undeserved credit or reward, they have failed to learn.

When the entire University community upholds the principles of academic integrity, it creates an environment where students value their education and embrace experiences of discovery and intellectual growth. In this environment, grades and degrees are awarded and applauded as the recognition of years of achievement, discipline, and hard work. Maintaining the highest standards of academic integrity insures the value and reputation of our degree programs; these standards represent an ethical obligation for faculty intrinsic to their role as educators, as well as a pledge of honor on the part of University at Albany students. If a violation of academic integrity occurs, faculty, deans, and students all share in the responsibility to report it.

These guidelines define a shared context of values to help both students and faculty to make individual and institutional decisions about academic integrity. Every student has the responsibility to become familiar with the standards of academic integrity at the University. While it is strongly recommended that faculty specify in their syllabi information about academic integrity, as well as a description of the possible responses to violations, claims of ignorance, unintentional error, or personal or academic pressures are not sufficient reasons for violations of academic integrity. Students are responsible for familiarizing themselves with the standards and behaving accordingly, and University at Albany faculty are responsible for teaching, modeling and upholding them. Anything less undermines the worth and value of our intellectual work, and the reputation and credibility of the University at Albany degree.

Resources for Students

The University Libraries offers the following helpful information:

You have access to many research and information literacy resources here at the University at Albany.

Take an information literacy course. These courses will help you to locate and evaluate information effectively —skills that will help you not only with your studies, but also in the workplace. For more information, check the list of courses (<http://www.albany.edu/gened/inflit.html>) that meet the General Education Information Literacy Requirement. The University Libraries offer two such courses, one targeted towards the sciences. More information is available on both courses at: <http://library.albany.edu/usered/unl205/index.html>.

Check out helpful tip sheets and other tutorials (<http://library.albany.edu/usered/>). The University Libraries provide a wide array of guides and other instruction to answer your research-related questions. These include help on the research process, citation tip sheets, explanations of types of resources, information on how to locate a wide range of materials and how to evaluate them effectively, and much more. You will also find up-to-date Internet Tutorials that will help make you a pro at searching the Web! (<http://library.albany.edu/internet/>)

The University Libraries homepage (<http://library.albany.edu/>) will provide you with access to all sorts of resources for doing research, including the online catalog and a wide variety of research databases. You will find links to contact librarians and to ask for help, and a great deal more. Take a look!

Examples of Academic Dishonesty

The following is a list of types of behaviors considered to be academically dishonest and therefore unacceptable. Even the attempt to commit such acts is a breach of integrity and is subject to penalty. No such list can, of course, describe all possible types or degrees of academic dishonesty, so these should be understood as examples rather than as a comprehensive list. Individual faculty members, Deans of Schools and Colleges as appropriate, and the Office of Conflict Resolution and Civic Responsibility will continue to judge each case according to its particular merit.

Plagiarism: Presenting as one's own work, the work of another person (for example, the words, ideas, information, data, evidence, organizing principles, or style of presentation of someone else). Plagiarism includes paraphrasing or summarizing without acknowledgment, submission of another student's work as one's own, the purchase of prepared research or completed papers or projects, and the unacknowledged use of research sources gathered by someone else. Failure to indicate accurately the extent and precise nature of one's reliance on other sources is also a form of plagiarism. The student is responsible for understanding the legitimate use of sources, the appropriate ways of acknowledging academic, scholarly, or creative indebtedness, and the consequences for violating University regulations.

Examples of plagiarism include: failure to acknowledge the source(s) of even a few phrases, sentences, or paragraphs; failure to acknowledge a quotation or paraphrase of paragraph-length sections of a paper; failure to acknowledge the source(s) of a major idea or the source(s) for an ordering principle central to the paper's or project's structure; failure to acknowledge the source (quoted, paraphrased, or summarized) of major sections or passages in the paper or project; the unacknowledged use of several major ideas or extensive reliance on another person's data, evidence, or critical method; submitting as one's own work, work borrowed, stolen, or purchased from someone else. For more information concerning plagiarism, see the library's tutorial on the subject on the library web site. Graduate students will find additional information concerning Academic Integrity, Conduct, and Research Regulations on the Graduate Studies web site.

Cheating on Examinations: Giving or receiving unauthorized help before, during, or after an examination. Examples of unauthorized help include collaboration of any sort during an examination (unless specifically approved by the instructor); collaboration before an examination (when such collaboration is specifically forbidden by the instructor); the use of notes, books, or other aids during an examination (unless permitted by the instructor); arranging for another person to take an examination in one's place; looking upon someone else's examination during the examination period; intentionally allowing another student to look upon one's exam; the unauthorized discussing of the test items during the examination period; and the passing of any examination information to students who have not yet taken the examination. There can be no conversation while an examination is in progress unless specifically authorized by the instructor.

Multiple Submission: Submitting substantial portions of the same work for credit more than once without receiving the prior explicit consent of the instructor to whom the material is being submitted the second or subsequent time.

Forgery: Imitating another person's signature on academic or other official documents.

Sabotage: Destroying, damaging, or stealing of another's work or working materials (including lab experiments, computer programs, term papers, or projects).

Unauthorized Collaboration: Collaborating on projects, papers, or other academic exercises when this is regarded as inappropriate by the instructor(s). Although the usual faculty assumption is that work submitted for credit is entirely one's own, standards on appropriate and inappropriate collaboration vary widely among individual faculty and the different disciplines. Students who want to confer or collaborate with one another on work receiving academic credit should make certain of the instructor's expectations and standards.

Falsification: Misrepresenting material or fabricating information in an academic exercise or assignment (for example, the false or misleading citation of sources, the falsification of experimental or computer data, etc.)

Bribery: Offering or giving any article of value or service to an instructor in an attempt to receive a grade or other benefits not legitimately earned or not available to other students in the class.

Theft, Damage, or Misuse of Library or IT Resources: Removing uncharged library materials from the library, defacing or damaging library materials, intentionally displacing or hoarding materials within the library for one's unauthorized private use, or other abuse of reserve-book privileges. Any violation of the University's Responsible Use of Information Technology policy. This includes, but is not limited to, unauthorized use of the University's or another person's

computer accounts, codes, passwords, or facilities; damaging computer equipment or interfering with the operation of the computing system of the University. All students are expected to be familiar with the Responsible Use Policy, which can be viewed at <http://www.albany.edu/its>.

Penalties and Procedures

The faculty member responsible for educating the student is also responsible for determining when that student has violated academic integrity. When a faculty member determines that a student has violated academic integrity, he or she will inform the student and impose an appropriate sanction. A faculty member may make any one or a combination of the following responses to the infractions of academic dishonesty cited above:

- (1) Lowering of a paper or project grade by one full grade or more;
- (2) Giving a failing grade on a paper containing plagiarized material;
- (3) Giving a failing grade on any examination in which cheating occurred;
- (4) Lowering a course grade by one full grade or more; or
- (5) Giving a failing grade in a course or other academic exercise.

In addition, faculty members will complete the “***Violation of Academic Integrity Report***”, including the sanction they have imposed along with a brief description of the incident, and send it to the Office of the Vice Provost for Undergraduate Education or Graduate Studies, as appropriate. A copy of the report is to be given to the student. The Deans of Undergraduate or Graduate Studies will maintain a copy of such reports for the duration of a student's enrollment at the University.

If a faculty member informs the student that he or she will receive a failing grade in the course or other academic exercise as a result of academic dishonesty, the student receiving such a penalty will not be permitted to withdraw from the course unless the grievance process or Office of Conflict Resolution and Civic Responsibility rules in favor of the student. Students who feel they have been erroneously penalized for an academic integrity infraction or think that a penalty is inappropriate may grieve these issues through procedures developed for each college, school, program, or department of the University. Copies of the procedures are maintained in the School and College Deans' Offices or on their respective websites. A copy of the disposition of any grievance arising in matters of academic dishonesty will be attached to the Violation of Academic Integrity Report filed in the Office of the Vice Provost for Undergraduate Education or the Dean of Graduate Studies.

Any faculty member or School or College Dean encountering matters of academic dishonesty in a class or academic program for which he or she has responsibility may, in addition to, or in lieu of, the actions cited above,

- (6) refer a case to the Office of Conflict Resolution and Civic Responsibility.

After considering the case, the Office of Conflict Resolution and Civic Responsibility will recommend to the Vice Provost of Undergraduate Education or the Dean of Graduate Studies, as appropriate, the disposition of the case, which can include revoking a student's scholarship or fellowship, or teaching or research assistantship, as well as or in addition to disciplinary probation, suspension, or expulsion. Students should be aware that violations of academic integrity may cause subsequent difficulties in admission to graduate or professional schools and/or in employment in certain professions.

When a student violates academic integrity in more than one academic exercise, whether those infractions occurred during the same or different periods of time, or in the same or different courses, the University regards the offense as an especially serious subversion of academic integrity. The matter becomes particularly severe when the student has been confronted with the first infraction before the second is committed. Whenever the Office of the Vice Provost for Undergraduate Education or Dean of Graduate Studies receives a second Violation of Academic Integrity Report on a student, the Dean will request a hearing before the Office of Conflict Resolution and Civic Responsibility.

The Director of Libraries or Chief Information Officer, upon a finding of theft, damage, misuse of facilities or resources, or a violation of University policies, will forward all such cases to the Office of Conflict Resolution and Civic Responsibility for review and disposition, which can include suspension or expulsion from the University. The Director of the Libraries or Chief

Information Officer may, in individual cases, limit access to the Library or IT resources pending action by the Office of Conflict Resolution and Civic Responsibility. In all other cases of academic dishonesty by students, which come to the attention of any staff, faculty, or student, it is expected that the Vice Provost for Undergraduate Education or Dean of Graduate Studies, as appropriate, will be consulted about such infractions.

If a faculty member announces a failing grade in the course as a possible result of academic dishonesty, the student receiving such a penalty will not be permitted to withdraw from the course unless the grievance or judicial system rules in favor of the student.

Any faculty member encountering matters of academic dishonesty in an academic program or class for which he or she has responsibility may, in addition to, or in lieu of, the actions cited above, refer a case to the University Judicial System. After considering the case under the procedures provided by the University, the appropriate University judicial body will recommend the disposition of the case which can include disciplinary probation, suspension, or expulsion from the University.

The University at Albany operates under a presumptive penalty system for cases of academic dishonesty. Generally, a student with no prior disciplinary record who is found guilty of academic dishonesty will be suspended from the University for a minimum of one semester. Those guilty of a serious offense or repeated offenses can expect to be suspended for two or more semesters or, in aggravated cases, expelled.

The University Council fixes the general rules for the University's judicial system. The following procedures for matters of academic dishonesty are consistent with those general rules.

1. Any member of the University Community encountering matters of academic dishonesty may report such matters to the Office of the Vice Provost for Undergraduate Education or the Dean of Graduate Studies, as appropriate. Those offices are responsible for describing the options available for dealing with cases of academic dishonesty. Representatives of those offices may attend any subsequent hearing as a nonparticipating observer.
2. If a faculty, student, or staff member wishes to pursue a matter formally, he or she may refer the case to the University judicial system through the Office of the Vice President for Student Success. The Dean of Graduate Studies or the Vice Provost for Undergraduate Education may also refer cases to the University judicial system through the Office of the Vice President for Student Success.
3. The Vice President for Student Success is responsible for the implementation of hearing procedures as defined in the Community Rights and Responsibilities. The Vice President or an appointed designee will schedule cases referred to his or her office for hearing before a panel made up of members from the Committee on Student Conduct or Hearing Officer.
4. The purpose of a hearing is to determine the facts of the case and to recommend sanctions. The results of the hearing are communicated to each of the three parties to the case: the student, the complainant, and the appropriate Dean. If no appeal for a rehearing is made by any of those, the recommended sanction will be forwarded to the Vice President for Academic Affairs for review and implementation.
5. If any of the three parties to the case believe that (1) due process was not followed in the case, or (2) that the recommended sanction was not commensurate with the offense, or (3) that important new evidence is available, that party has a right to appeal the case. Such appeals are made to the Vice President for Academic Affairs or an appointed designee who shall review the appeal in accordance with these criteria and determine if the appeal is to be accepted and a rehearing ordered. In such a case a subcommittee composed of members of the Committee on Student Conduct not involved in the original hearing will be convened. The results of such a rehearing, along with all other records of the case, will be communicated to the Vice President for Academic Affairs who will make final disposition of the case and provide for its implementation.
6. In some cases, a hearing will not be necessary if a student admits to the charges filed or if a resolution is achieved between the student and faculty or staff member by mutual consent. In either case, a faculty Hearing Officer will review the case and, if satisfied with the plea or resolution, may proceed without a hearing to recommend a sanction in the case as provided above.

In those instances where faculty or staff members do not refer a violation to the University judicial system but instead deal with the matter entirely within the bounds of discretion available to them, they are expected to report in writing to the Offices of Graduate Studies or the Vice Provost for Undergraduate Education, as appropriate, all sanction they impose, along with a brief description of the incident. A copy of the report is to be given to the student. These offices will maintain a copy of such reports for the duration of a student's enrollment at the University. Upon graduation or separation of the student from the

University, these confidential reports will be destroyed. Violations of academic integrity by graduate students are reported by faculty directly to the Office of the Graduate Admissions and Policy Graduate Office for appropriate action. This office replaces the Office of the Vice Provost for Undergraduate Education in all matters involving graduate student violations of academic integrity.

Students who feel they have been erroneously penalized by a faculty or staff member for an academic integrity infraction or think that a penalty is inappropriate may grieve these issues through procedures developed for each college, school, program, or department of the University. Copies of the procedures are maintained in Deans' offices, in the Office of the Vice Provost for Undergraduate Education or Graduate Studies, and in the Office of the Vice President for Student Success. A copy of the disposition of any grievance arising in matters of academic dishonesty will be attached to the faculty correspondence in the Offices of the Vice Provost for Undergraduate Education or Graduate Studies.

When a student violates academic integrity in more than one academic exercise, whether those infractions occurred during the same or different periods of time, or in the same or different courses, the University regards the offense as an especially serious subversion of academic integrity. The matter becomes particularly severe when the student has been confronted with the first infraction before the second is committed. Whenever the Offices of the Vice Provost for Undergraduate Education or Dean of Graduate Studies receive a second academic integrity report on a student, the Dean will request a hearing before the University judicial system.

The Director of Libraries or the Computing Center, upon finding of theft, damage, or misuse of facilities or resources, will forward all such cases to the University judicial system for review and disposition, which can include suspension or expulsion from the University. The Director of the Library or the Computing Center may, in individual cases, limit access to the Library or Computing Center pending action by the University judicial system. In all other cases of academic dishonesty, which come to the attention of any staff, faculty, or student, it is expected that the Dean of Undergraduate Studies will be notified of such infractions. The Vice Provost of Undergraduate Education or the Dean of Graduate Studies, as appropriate, will process all such alleged matters of academic dishonesty and refer them to the University judicial system.

The University judicial system was established by the governing bodies of this campus and is administratively the responsibility of the Vice President for Student Success. Any questions about the procedures of the University judicial system may be secured by inquiry to that office. (Approved by the University Senate and the President of the University at Albany – SENATE BILL #0506-25)

Appendix D:

Drugs

The University at Albany is committed to promoting a drug free campus environment. Individuals who violate Federal, State or Local laws and campus policies are subject to University Disciplinary action and criminal prosecution.

Students should be aware there are significant psychological and physiological health risks associated with the use of illicit drugs and alcohol. Physical addiction, loss of control and withdrawal syndrome as well as serious damage to vital organs of the body can result from drug and alcohol abuse.

The following resources are available for assisting those with possible problems of chemical abuse:

University Counseling Center
Middle Earth Crisis Intervention
First Step Group (Alcoholics Anonymous)

Appendix E:

Campus Policy Governing Use of Alcohol

Introduction

The University at Albany adheres to and enforces all federal, state and local legislation concerning alcohol. Violations of the Alcohol Policy will be addressed as prescribed by federal, state and local laws, by University policies, and by regulations described in Community Rights and Responsibilities

1. No alcohol may be consumed in academic buildings, on University grounds, on the academic podium, the CESTM Building, in the Physical Education complex, on the Downtown Campus and the East Campus complex, except at "alcohol approved" social functions. An alcohol approved social function is one where the Alcohol Use Registration Form is filled out and approved by the Alcohol Administrator for that building. Events at which alcoholic beverages are served and which are not under the jurisdiction of a specific local alcohol policy administrator require an "Alcohol Use Registration Form" to be filed with the Vice President for Student Success in University Hall 206 (http://albany.edu/judicial_affairs/alcohol.html).
2. Under New York law, only persons twenty-one (21) years of age or older are legally entitled to purchase, be sold, given, or served alcohol. A person under 21 years of age may not possess or consume alcoholic beverages at any time on the University campus.
3. Under New York law, persons under the age of 21 are prohibited from possessing any alcoholic beverages with intent to consume the beverage. Violators are subject to a fine up to \$50.00 per offense. Authorized law enforcement personnel may seize alcoholic beverages involved in alleged violations of this law.
4. New York law further provides that any person, other than a parent or guardian, who purchases alcohol for, procures for, or gives alcohol to anyone under 21 years of age is guilty of a misdemeanor.
5. Under New York law, anyone under 21 years of age who uses fraudulent proof of age to obtain alcohol is guilty of a misdemeanor. This violation is punishable by a fine of up to \$100.00 and a community service requirement of up to thirty (30) hours.
6. Under New York law, anyone who is apparently intoxicated or who is behaving in an intoxicated manner may not be served alcohol.
7. A substantial part of the University at Albany is in the City of Albany and is subject to its open container law. Thus no open container of an alcoholic beverage is permitted on the campus, except at approved social functions as described in #1 above.
8. Any event at which alcoholic beverages are sold requires a license from the New York State Liquor Authority. The sale of alcoholic beverages under the terms of State law and University policy is permitted at the licensed premises of the University Auxiliary Services (UAS) in the Campus Center. Any alcoholic beverages sold outside the Campus Center require a special liquor permit from the State of New York. This includes events or performances where tickets are sold and alcohol is provided free of charge or in exchange for a purchased ticket. This permit must be secured through UAS and arranged at least two weeks in advance in order to allow time for the State permit to be issued.
9. Under New York law, a person under the age of 21 who presents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to ninety (90) days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.
10. Sponsor(s) of social events at which alcohol is served assume full responsibility for the enforcement of all federal, state and local laws and University policies with respect to the consumption of alcohol. This responsibility includes:
 - a. Serving appropriate amounts of non-alcoholic beverages and food at events where alcohol is served.
 - b. Double proof of age is required and must be presented to the appropriate "responsible person" as designated on the Alcohol Use Registration Form at all functions where alcoholic beverages are served and students are present. The following are acceptable forms of proof:

- a valid driver's license
- a birth certificate or an official state or federal ID
- a passport
- a laminated ID card from another University/College

11. Camp Dippikill consists of 850 acres in Warrensburg, NY owned and operated by the Student Association. Alcohol use at Camp Dippikill is subject to all federal, state and local laws and University policies with respect to the consumption of alcohol. Administration of this policy is the responsibility of the Director of this property. No alcohol may be sold by any organization on this property.
12. Driving under the influence of alcohol on University property is prohibited and violators will be subject to arrest.
13. The Vice President for Student Success is responsible for implementing and interpreting the alcohol use policy.

Campus Policy for Governing the Use of Alcohol in Residence Halls

All University at Albany students, who live in residence, and their visitors/guests, are subject to New York State Law and the University at Albany's policy regarding possession and consumption of alcohol, as well as specific policies governing the Residence Halls.

1. Definition of Residence Hall/University Apartment Areas

Residence Halls are defined as the quadrangles and the University Apartment complexes, including outdoor areas. The boundaries of Indian, State, Colonial and Dutch Quadrangles are defined by the first paved roadway or sidewalk adjacent to the quadrangle. Indian and Dutch Quadrangles include the playing fields adjacent to the west and east respectively with regard to the application of this policy. The boundaries of Alumni Quadrangle are defined by the exterior city sidewalks surrounding the quad. The boundaries of Freedom Quad are defined by the entrance road to the complex from Tricentennial Drive. The boundaries of Empire Commons are defined by the University roadways surrounding the complex.

2. Alcohol Policy in Freshmen Designated Residence Halls

Alcoholic beverages are never permitted in freshman residence halls. This includes all residential buildings on Indian Quad and the designated freshman buildings on State Quad. Designated freshman buildings on State Quad are identified on a yearly basis on the Residential Life web site at <http://www.albany.edu/housing/>. Visitors or guests of students residing in these areas are not permitted to possess or consume alcohol in these areas regardless of whether they are of legal drinking age. **These areas are designated as alcohol free.**

3. Alcohol Policy for Students Under 21 Years of Age Living in Non-Freshmen Areas

A person under 21 years of age may not possess or consume alcoholic beverages at any time on the University at Albany campus.

No possession or consumption of alcohol is permitted by any student or guest in private residence rooms where all the assigned residents are under 21 years of age.

Visitors or guests of students under 21 years of age are not permitted to possess or consume alcohol in the suite or bedroom of an underage student regardless of whether they are of legal drinking age.

Alcohol containers, including empty liquor bottles, wine bottles and/or beer cans are prohibited.

4. Alcohol Policy for Students Over 21 Years of Age Living in Non-Freshmen Areas

The following regulations regarding alcohol use apply to students and visitors/guests in the non-freshmen areas who are 21 years of age or older:

No individual student may possess more than 12, 12 oz bottles/cans of beer (or the equivalent), or one liter of hard liquor or wine at one time.

Binge drinking is defined as consuming five or more drinks on one occasion for men or four or more drinks on one occasion for women. (http://www.researchmatters.harvard.edu/story.php?article_id=420) Binge drinking is strictly prohibited.

Individuals of legal drinking age may not provide alcohol to underage roommates, suitemates, visitors or guests.

Drinking games (e.g. beer pong) and other activities that promote the irresponsible use of alcohol are prohibited. This includes the use of alcohol paraphernalia such as funnels and ice luges.

Kegs and beer balls, whether empty or full, tapped or untapped, are prohibited. Spiked punch and Jell-O shots containing alcohol, regardless of alcohol content are also prohibited.

Behavior that encourages or contributes to excessive alcohol consumption by another student is prohibited.

Carrying open containers of alcoholic beverages or consuming them in any public area of the campus is prohibited. This includes movement between residence hall rooms or apartments with an alcoholic beverage.

Compliance with all requests by University officials, including Residential Life staff or University Police, for proof of 21-year-old status is required. If there is reasonable suspicion to believe that alcohol might be in squeeze bottles, cups or other such containers, University staff reserve the right to approach students and hold individuals accountable under the provisions of this policy.

Possession, consumption, and storage of alcohol are prohibited in all public areas, e.g. lounges, hallways, stairwells, common bathrooms, or outdoor areas.

Driving on University property while under the influence of alcohol is strictly prohibited and will result in arrest, loss of driving privileges on campus, and possible suspension or expulsion from the University. Please see the following web site for further NYS Department of Motor Vehicles information, including FAQ's regarding Alcohol, Drugs, and DWI: <http://www.nysgtsc.state.ny.us/alco-faq.htm>

5. Alcohol and Other Drug Education and Prevention Services and Programs

Information regarding alcohol and drug prevention services and educational programs can be found by linking to "Counseling Services" on the following web site: http://www.albany.edu/counseling_center/services/php/

6. The Incident-Sanction Protocol for Alcohol & Other Drug Violations

The sanctions specified in the following chart are the minimal expectations applied by staff in most student conduct cases involving alcohol and other drugs. The University's response is not restricted to those sanctions listed in the protocol. Students are advised that illegal possession and/or use of alcohol and other drugs are strictly prohibited at the University.

Student Behavior	First Offense	Subsequent Offense
Under age possession/consumption of alcohol (under bulk)	Behavioral Letter (a non-referral), University Disciplinary Warning, or Residence Hall Probation, Notification of Parents, Community Service, Alcohol Education Program (AEP)	Disciplinary Probation, Removal from Residence, or Suspension from the University, Notification of Parents
Damage to property while under the influence	Residence Hall Probation to Removal from Residence, Restitution, Notification of Parents, Community Service, AEP	Suspension from the University, Notification of Parents
Driving while intoxicated	Disciplinary Probation to Suspension from the University, Notification of Parents, Community Service, AEP, Loss of Driving Privileges	Dismissal from the University, Notification of Parents
Noise violation w/alcohol present	University Disciplinary Warning, Residence Hall Probation, or Removal from Residence, Notification of Parents, Community Service, AEP	Disciplinary Probation, Removal from Residence, or Suspension from the University, Notification of Parents
Intoxicated student/Disruptive Conduct	Residence Hall Probation to Removal from Residence, Notification of Parents, Community Service, AEP	Removal from Residence to Suspension from the University, Notification of Parents
Possessing or using marijuana	University Police notified, possible arrest, Residence Hall Probation to Removal from Residence, Notification of Parents, Community Service, AEP	Removal from Residence to Suspension from the University, Notification of Parents
Violent behavior while under the influence of alcohol	University Police Notified, Removal from Residence to Suspension from the University, Notification of Parents	Suspension to Dismissal from the University, Notification of Parents
Possession of illegal drugs with intent to sell	University Police notified, possible arrest, Suspension or Dismissal from the University, Notification of Parents	Dismissal from the University, Notification of Parents
Hosting a party involving illegal use of alcohol	Residence Hall Probation to Removal from Residence, Notification of Parents, Community Service	Removal from Residence to Suspension from the University, Notification of Parents
Possessing kegs, beer balls or punch spiked with liquor	Removal from the Residence Halls, Notification of Parents	Suspension from the University, Notification of Parents

Appendix F:

Residence License: Rules and Regulations

The following rules and regulations are applicable to all residence halls. In addition, University rules and expectations included in Community Rights and Responsibilities, not reproduced here, also apply. Failure to act in accordance with these rules, regulations and expectations may result in University disciplinary action and/or in civil or criminal action and/or financial liability. Possession or use of prohibited items may result in their removal by University officials. Residents of suites/rooms where a health/safety hazard exists may be required by staff to remove the hazard immediately.

1. **Respect for individuals and groups.** Individuals are expected to maintain respect for individual and group rights and responsibilities as stated in this License and in the University Community Rights and Responsibilities.
 2. **A student host assumes responsibility for the behavior and activities of their guest(s).** Guests are subject to the same rules, regulations and expectations as their host, and the host has responsibility for informing the guest of the rules, regulations and expectations in advance. In addition to any disciplinary action taken against the host, the University reserves the right to require the immediate departure of any guest where violations of University regulations, or individual or group rights have occurred.
 3. **Alcohol.** All bulk containers are strictly prohibited. Individuals are expected to abide by all state laws and University policies governing the use of alcohol. Please refer to the University Community Rights and Responsibilities for detailed policy.
 4. **Overnight guests.** Overnight guests may be housed, provided the guest is housed in a suite/bedroom and that the student host has complied with guest registration policy/application, which is available in the Quad Office and is required of all guests. All guests must be registered with the Quadrangle Office before 11 PM the night of their stay.
 5. **Quiet Hours and Courtesy Hours.** Formal quiet hours are 9 PM to 7 AM on weekdays and 2 AM to 7 AM on weekends. During the final examination period, beginning the night of the first reading day and extending daily through the last examination, formal quiet hours are in effect 24 hours a day. Formal quiet hours are defined as a time during which all sound must be contained within a room/suite. Courtesy hours exist 24 hours every day, therefore are always in effect, and are defined as a time in which general consideration for others is maintained.
 6. **Fire Safety.** All residents must evacuate the building when a fire alarm sounds. Failure to cooperate or to evacuate during a fire alarm; causing of a false fire alarm; inappropriate behavior which results in the activation of a fire alarm; interfering with the proper functioning of a fire alarm system; tampering with, damaging or removing fire hoses, extinguishers, exit lights, heat/smoke sensors, extinguisher boxes or alarm covers, or any other fire safety apparatus is strictly prohibited. The use of any open-flamed devices such as candles, sternos, incense and kerosene lamps is prohibited. The following are also prohibited: natural trees or wreaths for holiday decorations, paneling, wallpaper or similar coverings, open-element or liquid-fueled (kerosene, propane, gas) space heaters, and hazardous trash accumulation.
 7. **Dangerous objects.** The possession or use of firecrackers, explosives, dangerous chemicals, flammable liquids, charcoal lighter fluid, items which constitute a fire hazard, firearms or other weapons, ammunition, knives, chukka sticks and other dangerous objects or chemicals is prohibited. Use and storage of helium and propane tanks in rooms, suites and lounges is prohibited.
 8. **Cooking.** Cooking is permitted only in residence hall kitchenette areas. Minimal snack preparation is permitted in student rooms. Any open flame cooking equipment, including charcoal barbecue grills, and hibachis must be used outside and at least 30 feet from any building.
 9. **Appliances.** Air conditioners, ceiling fans, microwave ovens* and all other cooking appliances are prohibited. For snack preparation, the following appliances, UL Approved only, are permitted: pop-up toaster, closed-element popcorn popper, thermostatically controlled hot pot and rice cookers, and percolator/ coffeemaker.
 10. **Refrigerators.** Students are permitted to have a refrigerator in their room/suite. These may be student-provided, in which case it must be in good working condition, capacity of 6 cubic feet or less, electrical requirements and use rated at 110 volts, 1.75 amperes or below, UL approved, or, it may be a leased unit meeting the same requirements.
- * Please note: Microfridge units are approved for the Residence Halls.
11. **Radio and television equipment.** Television aerials, masts and other radio-transmitting/receiving equipment are prohibited.
 12. **Pets.** Pets, other than tropical fish, are prohibited.
 13. **Waterbeds and lofts.** Only University supplied loft configuration are acceptable. Waterbeds are prohibited.

14. **Room decorations.** Combustible materials such as posters, pictures, etc., shall be limited to 20% of available wall space in each room. No combustible material shall be allowed on ceilings or on the inside of any door. Fabric, including sheets, fishnet, tapestry, etc., used as decorations, is prohibited. Ceiling decorations of all types are prohibited.
15. **Windows.** Throwing or hanging anything out windows is prohibited.
16. **Ceilings.** Ceilings may not be disturbed in anyway. This means you may not attach any items to the ceiling (such as stickers, nails, hooks, bottle caps, etc.) or bounce balls off them. The ceilings in some rooms contain a low percentage of chrysotile asbestos.
17. **Screens.** Removal of existing window screens is prohibited.
18. **Recreational and other activity.** Recreational activity within the center portion of each quadrangle is governed by the DRL. Activities, which could be injurious to facilities or grounds, are prohibited in common areas, including lounges and hallways.
19. **Solicitations.** Solicitations and sales by residents and others are limited to those activities authorized by the designated campus authority (also see 18).
20. **Facility Use Requests.** Special Function Forms are required for all use of space for formal and informal activities, as well as for approved solicitations.
21. **Tunnel Areas.** Entering tunnel areas is prohibited unless specific permission is granted by the DRL.
22. **Vehicles.** Storage of motorcycles or mopeds in buildings is prohibited.
23. **Smoking.** State law prohibits smoking in all public areas including lobbies, hallways and lounges.
24. **Building Entrances.** Propping of any building access/entrance door is strictly prohibited.
25. **Recycling.** Students are required to utilize suite/room issued recycling bins for recyclable materials. Students will be billed for lost, stolen, or damaged bins.
26. **Cinder Blocks/Bricks.** Cinder blocks or bricks of any composition are prohibited in the residence halls.
27. **Halogen Lamps.** Halogen lamps/bulbs are prohibited in the residence halls for health and safety reasons.

NOTE: A student who displays suicidal intent, defined as either a public suicide threat, tangible evidence that the student is making plans or preparing for suicide, or manifestations of serious self-inflicted injury will be subject to the following conditions:

- The Director of Residential Life will notify the student's parents or guardians of the student's actions and the University's intervention plan. Please note that in rare circumstances parental notification may be deferred.
- The Director of Residential Life will require the student to complete the University Counseling Center's CARE Net program, a program of consultation and resource evaluation to assist the student to develop an individualized self-management plan.
- The Director of Residential Life will initiate a judicial referral for failure to complete the CARE Net Program.

Appendix G:

Responsible Use of Information Technology

This policy was formulated to provide a secure and reliable computing environment at the University that will facilitate and encourage the exchange of ideas and information as well as protect the freedom of speech rights of the members of the University community. It establishes basic rights for all users and describes expectations for responsible use to ensure those rights.

I. General Principles

This section sets forth the ten basic policy principles. Situations or behaviors not specifically mentioned in Sections II and III may be addressed through application of these basic principles.

II. User Rights and Responsibilities

This section highlights policy specifics related to privacy, software, harassment, defamation, accessing computing resources, abuse of computer resources, reporting unauthorized use, and the web.

III. System Administrator Rights and Responsibilities

This section describes system administrators and highlights specific expectations for system administrators, whether they are professional staff, faculty or student administrators.

IV. Amendments

Comments and suggestions regarding these policies may be sent to the Computer Usage Committee via e-mail to the Committee Chair at LISC-CU@uamail.albany.edu.

I. General Principles

Access to modern information technology is essential to the University at Albany's mission of providing the students, faculty and staff with educational services of the highest quality. The pursuit and achievement of the mission of education, research, and public service require that the privilege of using computing systems and software, internal and external data networks, as well as access to the World Wide Web, be made available to the entire campus community.

The preservation of that privilege for the full community requires that each faculty member, staff member, student, and any other user comply with institutional and external policies for appropriate use. To assist and ensure such compliance, the University at Albany establishes the following policy, which supplements all applicable SUNY wide policies, including sexual harassment patent and copyright, and student and employee disciplinary policies, as well as applicable federal and state laws.

1. Use of University at Albany computing and network resources shall be consistent with: the education, research and public service mission of the State University of New York; all federal and state regulations; and this policy document.
2. This policy applies to all University at Albany computing and network resources, including host computer systems, campus sponsored computers and workstations, software, data sets, and communications networks, whether accessed directly or indirectly.
3. This policy applies to all users of campus computing and network resources including faculty, staff, and students.
4. Information technology provides an important means for both public and private communication. Users and system administrators will respect the privacy of person-to-person communications in all forms including telephone, electronic mail and file transfers, graphics and television to the fullest extent possible under applicable law and policy. The principle of academic freedom will apply to public communication in all these forms.

Specifically, the University respects freedom of expression in electronic communications on its computing and networking systems. Although this electronic speech has broad protections, all University community members are expected to use the information technology facilities considerately with the understanding that the electronic dissemination of information, particularly on the computing and networking systems, makes it accessible to a broad and diverse audience. The University expects all users to respect the Principles for a Just Community when communicating via the University information technology facilities.

5. Other than publicly designated official University sites, the University at Albany does not generally monitor or restrict content residing on campus systems or transported across the networks.

6. If there is reasonable cause to believe that a user has violated this responsible use policy, state or federal laws, or contractual obligations, the University reserves the right to take any of the following actions:

- To have staff access the computer systems and networks including individual login sessions
- Limit an individual's access to its networks

- Remove or limit access to University computers and/or materials posted on the Internet.

7. In the normal course of system maintenance, both preventative and troubleshooting, staff members operating the computer systems may be required to view files. Staff are required to maintain the confidentiality and privacy of information in such files unless otherwise required by law of University policy.

8. Campus servers and computing services should be properly configured so as not to pose a security risk or otherwise adversely affect existing University servers and services. All University system and network administrators are expected to implement practices to satisfy “due diligence” in respect to security requirements.

9. The University recognizes and acknowledges employee incidental use of its computing and network resources within the guidelines (see appendix) established for such use.

10. This policy may be supplemented with additional guidelines by units that operate their own computers or networks, e.g., University Libraries or RESNET, provided such guidelines are consistent with this policy.

II. User Rights and Responsibilities

1. **Privacy:** The University will make every effort to respect the privacy of an individual’s computer files. Each user must respect the privacy and integrity of other computer users. No user should view, copy alter or destroy another’s personal electronic files without permission (unless authorized or required to do so by law or policy). Although users are prohibited from using computing resources to monitor electronic communications, all users should be aware that personal computer files are distribute on a public network which cannot guarantee absolute privacy or security.

2. **Copyright:** Original works of authorship and creative expressions that are more than ideas or facts and which are fixed in a tangible medium of expression (print, artwork, visual images, music, electronic materials) may be protected by copyright unless they are in the public domain. When duplicating copyrighted materials for educational use, it is advisable to secure the permission of the copyright holder in advance of the act of duplication.

3. **Software:** Most software that the University provides to its students, employees, and other users is licensed by the University, or third parties, and is protected by copyright and other laws, together with licenses and other contractual agreements. Users are required to respect and abide by the terms and conditions of software use and redistribution licenses. Such restrictions may include prohibitions against copying programs or data for use on the University network or for distribution outside the University; against the resale of data or programs, or the use of them for non-educational purposes or for financial gain outside of the academic mission; and against public disclosure of information about programs (e.g., source code) without the licensee’s authorization.

All University business will be conducted using legally licensed software. Managers are responsible for ensuring that only licensed software is installed on department computers. Managers are required to maintain documentation regarding purchases of software and conduct departmental self-audits to assure continued compliance with applicable agreements.

University employees who knowingly and or intentionally make, acquire or use illegal copies of computer software shall be considered to be acting outside the scope of their employment and as such may not be eligible for legal defense by the Office of the Attorney General under the Public Officers Law.

4. **Harassment, Defamation:** As in other aspects of behavior in campus life, civility is expected at all times. No user should, under any circumstances, use campus computers or the University network to harass any other person. Similarly, users may not use computing resources to defame, slander, or libel.

5. **Accessing Computing Resources:** This section outlines guidelines on the use of computer accounts, user room facilities, and the campus network. At all times, users are expected to practice reasonable conservation measures (such as regularly cleaning up their mail files and practicing efficient file management).

A. Accounts:

Computer and network access accounts are to be used for the University-related activities for which they are assigned.

- **Sharing of access:** Computer accounts, passwords, and other types of authorization are assigned to an “owner,” who is then responsible for the account and all activities generated by the account.
- **Unauthorized access:** You may not run or otherwise configure software or hardware to allow access by unauthorized users.
- **Termination of access:** When you cease being a member of the campus community (e.g., withdraw, graduate, terminate employment, or otherwise leave the university), or if you are assigned a new position and/or responsibilities within the State University system, your access authorization must be reviewed. You must not use facilities, accounts, access codes, privileges or information for which you are not authorized in your new circumstances.

B. User Room Facilities

User rooms on campus are primarily provided for the use of the University at Albany community. User rooms are a limited communal resource, and, therefore, users must abide by certain restraints and courtesies, including all rules and guidelines posted in each facility. For example, the use of some programs may be limited to off-peak hours in the public facilities.

C. The Campus Network

The rules that govern the use of the University at Albany’s network are based on the premise that the network is a communal resource. The people who use it agree to abide by certain restraints and courtesies. These are detailed in various documents, including the University’s Community Rights and Responsibilities document, the RESNET participants’ Agreement incorporated into the Residence Hall License, and this policy.

6. Abuse of Computer Resources:

Abuse of campus computer resources is prohibited and includes, but is not limited to:

- **Circumventing Security:** Users are prohibited from attempting to circumvent or subvert any system’s security measures. Users are prohibited from using any computer program or device to intercept or decode passwords or similar access control information.
- **Breaching Security:** Deliberate attempts to degrade the performance of a computer system or network or to deprive authorized personnel of resources or access to any University at Albany computer or network is prohibited. Breach of security includes, but is not limited to, the following:
 - ◆ Creating or knowingly propagating viruses
 - ◆ Hacking
 - ◆ Password cracking
 - ◆ Unauthorized viewing of other’s files
- **Chain Letters:** The propagation of chain letters (e-mail requesting that the reader send on the message to multiple others) is prohibited. Virus hoax announcements generally fall in this category.
- **Unauthorized Servers:** Initiating and operating unauthorized servers (e.g., gaming, IRC, FTP, file sharing applications, e-mail) on University servers or systems, particularly those that extend University network and computing resources to non-affiliates of the University, is prohibited.
- **Unauthorized Monitoring:** A user may not use computing resources for unauthorized monitoring of electronic communications.
- **Flooding/E-Mail Bombs:** Sending massive e-mail in a deliberate attempt to overwhelm a system is prohibited.
- **Private Commercial Purposes:** The computing and networking resources of campus shall not be used for personal or private commercial purposes or for financial gain outside the academic mission.
- **Violations of Copyright:** Written permission from the copyright holder may be required to duplicate for educational use or any other purpose copyrighted material. This includes duplication of audio tapes, videotapes, photographs, illustrations, images, audio files, computer software, and all files or other information, whether in digital format or otherwise.

- **Political Advertising or Campaigning:** The use of campus computers and networks shall be in accordance with University policy on use of University facilities for political purposes (SUNY Administrative Procedures Manual Policy 008, See Appendix A.).

7. Web Policy

This policy exists to help the creators of Web pages at the University at Albany take advantage of this powerful Communication tool, yet avoid the pitfalls that can lead to

Confusion and complaints. Individual schools and colleges, as well as departments and programs, may have their own guidelines for publishing professional, organizational, and instructional web pages. However, these are supplemented and superseded by this University-wide policy.

A. Official Home Pages

1. The University at Albany home page is an official publication of the University. All materials, including text and photographs, appearing on the home page or subsequent official home pages of specific departments are copyrighted and may not be reproduced without written permission from the copyright holder.
2. Home pages linked to the University at Albany home page may be created by Academic departments, programs, centers or institutes, governance groups, and administrative departments.
3. Official home pages are a reflection of the University. It is important for all contributors to ensure that their information is well organized, accurate, and timely, and the web pages presentation complies with NYS Technology Policy 99-3: Universal Accessibility for NYS Web Sites. A primary contact person must be identified for the creation and maintenance of all official home pages. The contact is designated by the department or unit head. The contact for an official page must be a University at Albany faculty or staff member, and an e-mail address for the contact person must be included on the organization main page. The contact person is responsible for periodically reviewing and updating the web page information.
4. Recognized student groups may create home pages that are linked to the University at Albany home page with the approval of the Office of Student Life.
5. Developers of University at Albany official pages may include the University logo in its original form on the main page of the site; contact the Office of Media & Marketing for an original logo file.
6. Subordinate official home pages must contain a path back to the home page of the University, (<http://www.albany.edu>).

B. Personal Home Pages

1. Personal home pages are posted without prior review by University administrators. Authors of web pages are expected to use good judgment with respect to the effect of their page content on the broad and diverse audience that accesses the University web site.
2. Personal pages may not contain any of University at Albany logos or any other University copyrighted materials or images.
3. When individual or personal home pages are linked from official pages, the University requires that there be a clear and explicit indication at the point of transition from official to personal Web space. This indication must explicitly state that any opinions, views or endorsements of any kind encountered on personal pages are not the policy of the University but are of a personal nature.
4. No material included in personal home pages may violate any laws, including but not limited to those regarding obscenity, harassment of others or copyright.
5. Personal web pages may not be used for commercial purposes or financial gain outside of the academic mission.

8. Limitations

- A. The issuance of a password or other means of access is to assure appropriate confidentiality and does not guarantee privacy for personal or improper use of university equipment or facilities.
- B. The University at Albany provides reasonable security against intrusion and damage to files stored on the central facilities. The campus also provides some facilities for archiving and retrieving files specified by users, and for recovering files after accidental loss of data. However, the campus is not responsible for unauthorized access by other users or for loss due to power failure, fire, floods, etc. The University at Albany makes no warranties with respect to Internet services, and it specifically assumes no responsibilities for the content of any advice or information received by a user through the use of the University at Albany's computer network or email systems.
- C. Users should be aware that campus computer systems and networks may be subject to unauthorized access, tampering, or generation of fraudulent email messages.

III. System Administrator Rights and Responsibilities

System administrators are those individuals who directly support the integrity and operations of computing systems. As users of the system they administer, they have the same rights and responsibilities as any other user of the system including respect for the privacy of other users' information. In addition, they have a primary responsibility to ensure the availability, usefulness, integrity and security of the systems they manage. In this capacity their rights exceed those of other users of the systems. They generally have access rights that allow them the ability to read, write, or execute any/all files on the system(s) under their purview. Because of this, the professional ethics of system administrators must be at the highest level and their professional ethical conduct must be beyond reproach. The following itemizes specific rights and responsibilities of the system administrator.

1. **Adequate hardware and Software:** Before any server is installed and placed on the campus network, the system administrator should ascertain that the machine is in an appropriate state to be placed on a shared network. The system administrator should also ascertain that the resource requirements (hardware and software) and system management requirements (people) for both current and future needs are either in place or planned for, to keep the machine in "top running order."
2. **Legal Licensing:** The system administrator must ensure that hardware and software products are installed consistent with license agreements.
3. **Monitoring:** The system administrator monitors for performance and capacity planning. The system administrator monitors to ensure that the system resources are not being misused. Multi- user systems are by definition and design shared resources. One user can either intentionally or inadvertently take over the system thereby rendering the resources unavailable for others. The system administrator is responsible for monitoring and interceding where needed to prevent misuse or misappropriation of system resources.
4. **Security Alerts and Updates:** The system administrator is responsible for monitoring sources of system alerts and for applying operating system and software product "patches" and security upgrades in a timely manner.
5. **Precautionary Scans:** System administrators must take precautions to safeguard systems against "corruption, compromise or destruction." This includes performing scans for diagnostic problem resolution purposes of the systems they maintain or assessing network traffic into or out of systems they maintain.
6. **Confidentiality and Privacy of User Files:** In the course of carrying out their duties, the system administrator must avoid viewing the contents of a user's files or messages. If such content becomes known to the system administrator, it should be treated as confidential and private.
7. **Security Breaches:** If the system administrator, in the performance of duties, uncovers information that indicates a breach of security has occurred, the system administrator must take action. System administrators cannot capriciously shut down user accounts, services or systems. However, in those instances where a security incident is suspected that will endanger the security and integrity of both the system and the files and data of others, the system administrator may shut down specific accounts or close access to services or systems that appear to be associated with the problem. These may include possible perpetrators as well as victims of the security breach. Immediately after such

an action, the system administrator should notify his or her supervisor and initiate appropriate review processes to follow-up on such an action.

8. Policy Violations and Criminal Activity: If the system administrator, in the performance of duties, uncovers information that an individual is acting inconsistent with this policy, or discovers evidence of criminal activity, the system administrator must report such findings to the appropriate authority.

Sanctions and Reporting of Policy Violations

Violators of this policy are subject to the existing student or employee disciplinary procedures. Sanctions may include the loss of computing privileges. Illegal acts involving University at Albany computing and networking resources may also subject users to prosecution by state and federal authorities.

University employees learning of misuse of computing resources shall notify the appropriate supervisor, system manager, department manager, or area Vice President.

Incidental Use of Information Technology

Incidental personal use of computing resources at the University at Albany is an exception to the general prohibition against the use of University equipment for anything other than official state business.

The parameters of the exception are:

- The incidental personal use of computing resources facilitates the user's proficiency; or
- There is no additional cost to the state; or
- An analogy to incidental use of telephones can be made; or an analogy to personal use of library resources can be made

Incidental personal use must not:

- Result in financial gain for the user;
- Be for business purposes where the business is owned by the employee or the work is done for another business (including consulting);

Faculty/staff who do extensive paid consulting:

- Are expected to obtain services through an Internet Service Provider that handles the bulk of such correspondence and associated research.
- Interfere with assigned job responsibilities; or be in violation of existing security/access rules.

This policy was developed by the Computer Usage Committee of the University at Albany's University Senate's Council on Libraries and Information Systems (LISC). The policy was approved by LISC on December 4, 2000 and by the University Senate on December 11, 2000. The Computer Usage Committee continues to meet regularly to execute its responsibilities of continual review, development, and maintenance of the University at Albany computer usage.

The development of this policy was expedited by the extant policies of several other institutions including the University at Buffalo, the State University of New York at Stony Brook, Cornell University, University of Texas, SAGE (the Systems Administrator Guild Special Technical Group of USENIX), University of Hawaii, Georgetown University, Rensselaer Polytechnic Institute, Pennsylvania State, Rochester Institute of Technology, and Auburn University.

IV. Amendments

General Principles for Electronic Mailings (Senate Bill No. 0102-17, Approved April 2, 2002)

1. Importance of Email to the University at Albany

Electronic mail (e-mail) is an important resource for academic, administrative, and extra-curricular communications at the University at Albany and is an essential element of the University's day-to-day operations.

2. Impact of Bulk Mailings

Bulk electronic mailings to large groups of students or employees as a means of information dissemination have a significant and adverse impact on University network and computing resources. Therefore, messages intended for campus-wide distribution require the following:

- Notice of presidential or vice presidential approval
- A contact point for those seeking additional information
- A web link to further details, as appropriate
- Instructions on how to unsubscribe

3. Listserv Lists for Mass Mailings

For mass electronic mailings, the University encourages the establishment of Listserv lists.

Any member of the University at Albany community may start their own Listserv list. These lists can be used to communicate with interested members of the population regarding University events, activities, and general campus information. Some of the benefits derived from the use of Listserv lists include:

- An individual's particular interests determine subscription to a list.
- List subscribers have the option of un-subscribing from any Listserv special interest list.
- As members of a list, an individual can expect to receive only e-mail messages appropriate to the topic of that list.
- Listserv list messages can take advantage of embedded URLs to link subscribers to web pages containing additional details and information.

4. Emergency Communications Emergency communications regarding health and safety issues are exceptions to the general restrictions and recommendations described above.

Appendix H

Campus Crime Information

A copy of the University at Albany Campus Crime Statistics under the Cleary Act as reported annually to the U.S. Department of education is available on the following website: <http://police.albany.edu/cleary.asp>. Please direct any requests for a paper copy of this report to the University Police Department at 442-3130.

Appendix I

Hate or Bias Crimes

The University at Albany strives to protect all members of the University at Albany community by prosecuting bias or hate crimes that occur within the campus jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as national origin, color, race, age, religion or creed, ethnicity, gender, sexual orientation, veteran status, marital status, or disability. Hate/bias crimes are against the law and University at Albany policy. Copies of the New York Law are available at <http://assembly.state.ny.us/leg/?cl=82&a=81>.

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

Hate or Bias-Related Incidents

The University at Albany strives to protect all members of the University at Albany community by prosecuting bias or hate crimes that occur within the campus jurisdiction.

In addition to preventing and prosecuting hate/bias crimes, University at Albany Police also assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member or group within the University at Albany community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the University at Albany's campus code of conduct. Bias incidents can be reported to the University Police and/or the Office of Conflict Resolution & Civic Responsibility. The Vice President for Student Success is always notified regarding a bias-related crime or incident.

Procedures to Initiate a Formal Complaint

If you are a victim of, or witness to, a hate/bias crime or incident on campus, report it to the University Police by calling 911 in an emergency, using a Blue Light Phone, a campus telephone calling 442-3130, or go to the University Police or the Office of Conflict Resolution & Civic Responsibility. An investigation and appropriate adjudication will follow.

Appendix J

Sexual Assault Prevention

The University at Albany has programs in place to inform members of the University community about sexual assault, risk factors and risk reduction measures, and, most especially, to invite all members of the University to be proactive in working to end sexual violence. Among these initiatives are mandatory prevention programs for incoming students during Summer Planning Conference, prevention programs for all students throughout the academic year, targeted outreach to men through Men REACH (Men for Relationship Education and Change), and RAD programs (Rape Aggression Defense) for both women and men. To learn more about these and other prevention activities, visit www.albany.edu/counseling_center and <http://police.albany.edu>.

Disciplinary Action

Where there is reason to believe the University's regulations prohibiting sexual misconduct have been violated, the University will pursue strong disciplinary action through its own channels. This discipline includes the possibility of suspension or dismissal from the University.

An individual charged with a crime related to sexual assault may be subject to University disciplinary procedures, whether or not an individual is prosecuted under the New York State Penal Code. During the disciplinary process, the rights of the accused are as described on page #9 – Conduct of Hearings.

The University will make every effort to be responsive and sensitive to victims of these serious crimes. Protection of the victim and prevention of continued trauma is the University's priority. When the victim and the accused live in the same residence hall, an immediate hearing with the Director of the Office of Conflict Resolution & Civic Responsibility will be held to determine the need for modifying the living arrangements.

Assistance for any other personal or academic concerns will be reviewed and options provided in accord with the University's Coordinated Response to the Sexual Assault of Students.

Additional information about resources and options to aid in recovery are available at <http://albany.edu/studentaffairs/ovpsa/whatyoucando.html> OR www.albany.edu/counseling_center.

Victims of Campus Sexual Assault: University at Albany Statement of Principles and Rights

The University at Albany is committed to providing a safe and secure environment in which all of its members are treated with dignity and respect. To that end, the University takes the strongest possible stance against sexual assault in all its forms including sexual violence or the use of coercion, sexual contact absent the free, knowing, and active consent of the involved

parties, including but not limited to cases involving impaired judgment and physical helplessness, and intimidation or exploitation of others for sexual purposes. The University is actively engaged in educating its members about these vital issues and in providing timely support and assistance to victims of sexual assault.

Should a sexual assault occur, it is imperative that victims be fully supported in their efforts to heal and respond as they determine is in their own best interests. To this end the University will safeguard the victim's confidentiality, respect the victim's privacy and support the victim's right to make choices about resources and options in the University's "Coordinated Response to the Sexual Assault of Students."

All members and representatives of the University at Albany community, including campus officers, administrators, faculty, professional staff, employees, and students are expected to recognize and abide by the following principles regarding victims of campus-related sexual assaults:

HUMAN DIGNITY

Victims shall:

- Be treated with fairness and respect for their dignity
- Have their privacy honored
- Be free from any suggestions that they must report sexual assaults to be assured recognition of any other identified principles or rights
- Have their allegations of sexual assault treated seriously
- Be free from any suggestion that they are responsible for the sexual assaults committed against them
- Be free from unwanted pressure from campus personnel to:
 - Report sexual assaults if they do not wish to do so;
 - Report sexual assaults as less serious offenses;
 - Refrain from reporting sexual assaults for any reason, including the fear of unwanted personal publicity

RESOURCES ON AND OFF CAMPUS

Victims shall:

- Be notified of existing campus and community-based medical, counseling, mental health and student services for victims of sexual assault whether or not the assault is formally reported to campus or civil authorities;
- Have access to campus counseling;
- Be informed of and assisted in exercising:
 - Any rights to confidential or anonymous testing for sexually transmitted infections, HIV, and pregnancy
 - Any rights to preventive measures such as emergency contraception or HIV prophylaxis
 - Any rights that may be provided by law to obtain the communicable diseases test results of sexual assault suspects
- Be informed of the possible availability of crime victim assistance compensation through the New York State Crime Victims Board

CONFLICT RESOLUTION & CIVIC RESPONSIBILITY PROCEEDINGS

Victims have the right:

- To advance notice about a disciplinary hearing involving the person or persons accused of sexually assaulting them;
- To have a person of their choice accompany them throughout the disciplinary hearing;
- To remain present during the entire proceeding;
- To be heard at the proceeding;
- To be assured that their irrelevant past sexual history will not be discussed during the hearing;
- To make a "victim impact statement" if the accused is found in violation of the code;
- To be informed in a timely fashion of the outcome of the hearing

LAW ENFORCEMENT AND CAMPUS INTERVENTION

- Allegations of sexual assault should be investigated and evaluated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported;

- Victims shall receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities;
- Victims shall receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault;
- Campus personnel shall take reasonable and necessary actions to prevent further unwanted contact by victims' alleged assailants;
- Victims shall be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

STATUTORY MANDATES

- Nothing in this Statement of Principles and Rights shall be construed to preclude or in any way restrict the University at Albany from carrying out its duties under law to report suspected offenses to the appropriate law enforcement authorities. Except as required by law, the University will take care not to identify the victim.
- Nothing in this Statement of Principles and Rights shall be construed to preclude or in any way restrict the University at Albany from issuing a Community Notice when the University is aware of a reported sexual assault incident that potentially puts the campus community at risk. The University will take care not to identify the victim in such notices.

Adapted from: Rutgers (c 2006), Princeton (c 2006) & Ball State Universities' Rights Statements

Appendix K

Investigation of Violent Felony Offenses/Missing Students

Violent felony offenses are defined in subdivision one of section 70.02 of the New York State Penal Law to include, but are not limited to, degrees/classes of: murder, manslaughter, kidnapping, rape, sodomy, aggravated sexual abuse, assault, burglary, robbery, arson, criminal possession of a dangerous weapon, etc. All members of the University at Albany community are expected to immediately report all suspected or actual violent felony offenses occurring at or on the grounds of the University, to the University Police Department by dialing 911 from a University telephone or 518-442-3131 from a cell phone.

A missing student is defined as any currently registered student of the University at Albany who has not been seen by friends, family members or associates for a reasonable length of time, and whose whereabouts have been questioned and brought to the attention of a member of the University staff or faculty member. The University Police will initiate an investigation when they are notified that a student, who resides in a University operated residence, is missing, with no reasonable explanation for his/her absence. Ordinarily, the investigation will be initiated immediately after this notification. In the event the student does not reside in a University residence, the appropriate municipal local police authorities should be notified. In the event of a missing student residing on campus, University Police will notify the parents/family members regarding the student's whereabouts.

