Community Rights & Responsibilities

University at Albany
State University of New York

I. Introduction: What is Community Rights and Responsibilities?

Community Rights and Responsibilities is the official code of conduct for students outlining the expectations to which all our students are held. The University has formulated this code of standards and expectations, consistent with its purpose as an educational institution. These regulations and the procedures for their enforcement apply to all student conduct and behavior. Students should become familiar with this document, as it is important to understand that the freedom that is afforded to you as a member of this community comes with an associated responsibility.

A copy of this document can be printed or you may request a hard copy from the Office of Conflict Resolution and Civic Responsibility in Campus Center 357, or by calling (518) 442-5501. Questions about the contents of the code of conduct can be referred to Clarence McNeill, Director of Conflict Resolution and Civic Responsibility. He can be reached at (518) 442-5501 or at cmcneill@albany.edu.

These specific regulations 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 considered notified that violations of these regulations may result in a referral to the Conflict Resolution 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. 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. Students may be held accountable for any off campus incident that constitutes a violation of any prohibited conduct with the exception of those that specifically apply to University buildings/property. 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 University Police bear primary responsibility for law enforcement on the campus, disciplinary referrals may result from investigations conducted by others and reported to the University Police Department.)
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. Sexual Misconduct - Section 130.20 of NYS Law. 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. Rape - Section 130.25/.30/.35 of NYS Law. 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 includes 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. Criminal Sexual Act - Section 130.40/.45/.50 of NYS Law. 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. Forcible Touching - Section 130.52 of NYS Law. 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. **Sexual Abuse** - Section 130.55/.60/.65 of NYS Law. 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. **Aggravated Sexual Abuse** - Section 130.65-a/.66/.67/.70 of NYS Law. 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.

29. "**Course of Conduct**" is defined as a pattern of actions composed of two or more acts over a period of time.

30. A "**reasonable person**" refers to a person in a similar circumstance or situation who would be afraid of the perpetrator’s behavior.

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. **Fire 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. **Weapons and Dangerous Objects**

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 University Police Department 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: a) inflicting bodily harm upon a person by using a self-defense spray in circumstances that do not justify the use of such a device; b) in response to verbal provocation; c) when retreat or withdrawal is a viable option; or d) in circumstances where such actions are punitive or retaliatory.

4. Harassment

Conduct that is so pervasive or severe that it effectively denies the individual reasonable access to University resources or opportunities. See Appendix B for further information.

5. Intimate Partner Abuse

Also referred to as: relationship violence, domestic violence, or dating violence. It is a pattern of coercive behaviors that serve to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological, verbal and/or emotional in nature. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married.

6. Stalking

A course of conduct (pattern or repeated) by a stranger or acquaintance directed at a specific person that directly or indirectly distresses, intimidates or threatens and places a reasonable person in fear.

7. Cyber-stalking

An extension of the physical form of stalking (defined in Prohibited Conduct #6) where electronic media such as the internet, pagers, cell phones, or other similar devices are used to pursue, intimidate or threaten and place a reasonable person in fear.

8. Sexual Harassment

Unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe or pervasive to effectively alter or deny the individual reasonable access to University resources or that such conduct creates an intimidating, hostile or sexually offensive environment for learning, working or living on campus. See Appendix B for further information.

9. 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.

10. Hazing

Hazing is defined as any reckless or intentional conduct in connection with the initiation into or affiliation with any organization which degrades, humiliates or endangers the mental or physical health of any person, regardless of the person’s willingness to participate, or which damages, destroys or removes any public or private property. See Appendix F for examples and additional detail.

11. 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.

12. 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.

13. Property Damage

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

14. Theft

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

15. 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.

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. No student shall introduce to the campus or possess drug paraphernalia including, but not limited to: bongs, water pipes, or hypodermic needles that are not specifically required for the administration of prescribed

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¹ Sexual exploitation definition adapted from Students Active for Ending Rape, c 2003.
medications. Use of legal medication outside the parameters of the medical authorization is prohibited and prescription drugs on campus must have an authentic medical prescription. Resources for students with illegal drug related dependency are listed in Appendix E.

17. Alcohol

Use, possession, or distribution of alcoholic beverages except as expressly permitted by the law and University regulations or public intoxication. The entire policy governing the use of alcoholic beverages on campus is available in Appendix E.

18. 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.

19. 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. Policies are available at [http://www.albany.edu/involvement/reservations.shtml](http://www.albany.edu/involvement/reservations.shtml) and can be discussed in person at the Office of Student Involvement and Leadership, CC 130, (518) 442-5566 or email involvement@albany.edu.

20. 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.

21. Parking and Motor Vehicle Violations

Violating University policies and regulations governing the possession or use of motor vehicles on campus. The Office of Parking & Mass Transit publishes these regulations at [http://www.albany.edu/pmts/](http://www.albany.edu/pmts/). Violations of this policy include but are not limited to: a) purchasing a parking decal for a car that is registered in Department of Motor Vehicles to a resident freshman, a parent of a resident freshman or anyone else who lives at the same address as the resident freshman; b) purchasing a decal for the vehicle of another student or the vehicle of a family member of another student unless they have the same permanent address; c) altering any parking decal, temporary parking hang tag or any other documents relating to obtaining parking privileges in any manner; d) or using verbal or physical abuse, or threats of violence against any Parking and Mass Transit staff member”. The Office of Parking & Mass Transit has the ability to fine or withdraw the right to use a vehicle on campus in addition to or in lieu of sanctions imposed through the campus judicial process.

22. Smoking

Smoking is prohibited in all indoor University buildings, including campus residence halls. 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.

23. Residence Hall Regulations

Failure to abide by Residence Hall Regulations as defined in the terms and conditions of the Residence Hall License. Complete text of the Residence Hall license is available at [http://www.albany.edu/housing/license.shtml](http://www.albany.edu/housing/license.shtml).
24. 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.

25. Responsible Use of Electronic Communication

The policy that outlines responsible use of University Information Technology policies is available at: https://wiki.albany.edu/display/public/askit/Responsible+Use+of+Information+Technology+Policy. Violations of this policy are subject to referral to The Office of Conflict Resolution and Civic Responsibility.

26. Hate or Bias-Related Crime

Intentionally selecting a person against whom a criminal offense is committed or intended to be committed because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct. (See Appendix I for further information).

27. 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.

28. 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.

29. Rules for the Maintenance of Public Order

These rules are promulgated by the SUNY Board of Trustees and are binding of all persons on the campus. Regulations are detailed in Appendix A.

30. Retaliation

Retaliation is an intentional act taken against an individual who initiates any sexual misconduct complaint, including stalking or intimate partner violence, pursues legal recourse for such a complaint, or participates in any manner in the investigation of such a report. Any act of retaliation is prohibited and is subject to judicial referral. Information on how to report retaliation is found in Appendix J.
VII. Judicial System

1. Introduction

Students wishing to discuss matters pertaining to the judicial system may speak to the Director of the Office of Conflict Resolution & Civic Responsibility. Other resources include 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 in Student Success and by other staff and faculty as authorized by the Vice President.

The Director of Conflict Resolution bears responsibility for the disposition of all cases. Options available for the disposition 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 Office of Conflict Resolution (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

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 Student Success.

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 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 to the Director of Conflict Resolution & Civic Responsibility. There are no appeal rights for cases resolved via the Administrative Review process.

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 the 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 Director of Conflict Resolution & Civic Responsibility, 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-CAB)

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/her designee when they meet the following criteria:

a. The student accepts responsibility for violating the student conduct code;

b. The student expresses remorse for his/her behavior;

c. The student’s presence on campus does not constitute a threat to the community;

d. The student expresses an interest in waiving the right to a judicial hearing;

e. There is an obvious harmed party, whether an individual or a community;

f. The student can identify who was harmed by his or her behavior;

g. 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;

h. The student actively participates in the process;

i. The student completes all aspects and phases of the agreement;

j. The student attends an exit interview;

k. The student’s case is closed and the judicial referral is considered closed;

l. A student can elect to have the case sent to a judicial hearing at any point during this process;

m. A student who fails to complete the agreement and exit interview will be referred to a judicial hearing for resolution of the 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, intimate partner abuse, serious stalking or harassment, hazing, driving while intoxicated, hate/bias-related crimes, criminal use of IT resources, possessing, using or distributing alcohol and/or any drug unlawful to possess, or tampering with fire or other safety devices.

1. Conduct Warning

A written notice to a student that the behavior is counter to the community standards set in the student code of conduct. A conduct warning is issued for low level behavior infractions. (This sanction is utilized by the Department of Residential Life and does not involve a formal referral to Conflict Resolution.)

2. Disciplinary Warning

A written notice to a student that the behavior is counter to the community standards set in the student code of conduct. A disciplinary warning is for higher level infractions or is used when there is a second low level breach by the student of community standards. For a resident student, a discipline warning is notice that on-campus housing is in jeopardy and an additional infraction could result in removal from residence. Students who wish to apply for University positions on J-Board or Residential Life may not have a disciplinary warning on record for the semester prior to the application.

3. Disciplinary Probation

Disciplinary probation is imposed for more serious breaches of the code of conduct, or because of a series of less serious breaches in the code. It is implemented for an indefinite period of time. The student that has disciplinary probation is encouraged to modify the unacceptable behavior and is given the tools to help him/her do so. After a period of at least three months on disciplinary probation, the student may apply to have the probation lifted and must be able to demonstrate how he/she is making a positive contribution to the University community. During a disciplinary probation, a student cannot apply for campus leadership positions, run for office, attend Fountain Day or hold a position in Residential Life or on J-Board. Students who do not apply for removal from probation will remain on disciplinary probation for the entire time they are a student at the University.

4. Terminal Disciplinary Probation

A student is placed on Terminal Disciplinary Probation when he/she has a serious breach of the code and is already on disciplinary probation. Terminal Disciplinary Probation will be assigned in an effort to preserve the student’s ability to remain as a member of the residential community. In such circumstances, the student will be mandated to work with an appointed mentor to help address the issues that got him/her to this point. Students who fail to participate in the mentor program will be asked to leave the residential community and will assume the penalty of forfeiting room and board charges for the semester in which the disciplinary action occurs.

5. Removal from Residence

Students who have a serious violation of the community standards set in the student code of conduct or the residence license, or because of a series of breaches of the community standards in the Residence Halls will be asked to leave campus
residence either permanently or for a period of time. This sanction carries with it the penalty of forfeiting room and board charges for the semester in which the disciplinary action occurs. Depending on the nature of the incident, the student may also receive a disciplinary probation as part of this sanction.

6. Suspension - Disciplinary

A student who is suspended from the University is unable to register for and attend classes or to be present on University property for a prescribed period of time. A transcript notation of “suspended-disciplinary” is also in place for a period of six years from the last date of attendance. Suspension is a severe sanction and the student forfeits tuition money and fees along with room and board if a resident student and does not receive academic credit for the semester in which the suspension occurred.

7. Dismissal - Disciplinary

A student who is dismissed from the University is permanently separated from the community and may never return. A transcript notation of “dismissed-disciplinary” is also in place for a period of six years from the last date of attendance. The student forfeits tuition money and fees along with room and board if a resident student, as well as the academic credit for the semester in which the dismissal occurred.

8. Restitution

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

9. Community Service

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

Administrative Sanctions:

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 residential complexes. 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. 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.

4. 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 a designee or an Appeal Review Board comprised of students from the pool with prior experience hearing disciplinary cases. The Appeal Review Board or appeal designee 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 sub-committee 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.

Appeals in Cases of Sexual Misconduct, Sexual Harassment, or Sexual Violence

In such cases, both parties will receive written notification of the judicial board’s decision and either party can then request an appeal according to the procedures described above under “Appeals”.

If one party requests an appeal, the non-requesting party will receive notice of the appeal and may submit either his/her own appeal or a written response to the requesting party’s appeal within seven days of the notification. If both parties appeal, the appeal board will consider the appeals together. Both parties will be notified of the appeal board’s decision within thirty days of the last appeal received and the decision is final.

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 invitee, have his authorization to remain upon the campus or other property withdrawn and shall be directed to leave the premises. In the event of his failure or refusal to do so he shall be subject to ejection.

b. If he is a trespasser or visitor without specific license or invitation, be subject to ejection.

c. If he is a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning.

d. If he is a faculty member having a term or continuing appointment, be guilty of misconduct and be subject to dismissal or termination of his employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.

e. If he is a staff member in the classified service of the civil service, described in section 75 of the Civil Service Law, be guilty of misconduct, and be subject to the penalties prescribed in said section.

f. If he is a staff member other than one described in subdivisions (d) and (e) 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 invitee who shall violate any provisions of these rules (or of the rules of any individual institution supplementing or implementing these rules) that his license or invitation is withdrawn and shall direct him to leave the campus or other property of the institution. In the event of his failure or refusal to do so such officer shall cause his ejection from such campus or property.

b. In the case of any other violator, who is neither a student nor faculty or other staff member, the chief administrative officer or his designee shall inform him that he is not authorized to remain on the campus or other property of the institution and direct him to leave such premises. In the event of his failure or refusal to do so such officer shall cause his ejection from such campus or property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation nor to affect his liability to prosecution for trespass or loitering as prescribed in the Penal Law.

c. In the case of a student, charges for violation of any of these rules (or 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 therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any premises of the institution where their continued presence and conduct is in violation of these rules (or 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 made 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 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 or 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:

Harassment/Sexual Harassment

Harassment or sexual harassment (as defined under Prohibited Conduct #4 and #5) can take a variety of forms. Classifications include:

Sexual harassment, which may range from inappropriate sexual innuendoes to coerced sexual relations. Examples of sexual harassment that are unwelcome include but are not limited to: leering at a person's body, unnecessary touching, pressure for sexual behaviors, sexually explicit statements communicated verbally, or through social networking sites, e-mail, and texting.

Harassment based on protected class, i.e. race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status. Further information on protected class harassment can be found at the EEOC website http://www.eeoc.gov/youth/harass.html.

Criminal harassment, which is harassment that is prohibited by law and is defined by the New York State penal code at http://ypdcrime.com/penal.law/article240.htm.
Harassment or sexual harassment can occur from student to student, and in some circumstances, from a student to a faculty or staff member. Sexual harassment may occur between individuals of the same or different genders.

**Complaint procedures for Harassment of any type:**

Harassment or sexual harassment occurring between students living in the residence halls should be reported to your Residence Hall Director.

Harassment or sexual harassment occurring between students regarding situations that occur outside the residence halls should be reported to the Office of Conflict Resolution and Civic Responsibility at 442-5501.

Harassment or sexual harassment of a student by a faculty or staff member should be reported to the Office of Diversity and Inclusion at 956-8110.

Any incident of harassment or sexual harassment can be reported to the University Police Department at 442-3131. Harassment that involves violence or the threat of violence should always be reported to University Police.

For counseling and support, contact:

- Sexual Assault Resource Center (SARC) (518) 956-8461
- University Counseling Center (UCC) (518) 442-5454
- Office of Diversity and Inclusion 518-956-8110

**Appendix C:**

**Standards of Academic Integrity**

(Approved by Undergraduate Academic Council and Graduate Academic Council, 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. More information is available 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.

The University Libraries homepage (http://library.albany.edu/) will provide you with access to resources for doing research, including the online catalog and a wide variety of research databases. You will find links to contact librarians and how to ask for help.

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/policies_responsible_use_of_IT.htm.

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 Conflict Resolution and Civic Responsibility. 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 and in the Office of the Vice Provost for Undergraduate Education or Graduate Studies. 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:

Investigation of Missing Students

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.

Appendix E:

I. Policy Governing Use of Alcohol on Campus Outside of Residence Halls

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://www.albany.edu/studentconduct/assets/UAlbany_Alcohol_Policy_and_Alcohol_Use_Registration_Form.pdf).

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.

II. 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 website 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 in their assigned residence room/apartment. Guests or visitors are prohibited from bringing alcohol for consumption or distribution into any residence hall room/apartment.

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. 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.

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

The University Counseling Center provides alcohol and drug prevention services and educational programs.

The University Counseling Center can be reached at (518) 442-5800. Middle Earth Crisis Intervention can be reached at (518) 442-5777 and on the web at www.albany.edu/counseling_center/middle_earth.

Both the University Counseling Center and the Middle Earth Peer Assistance program are located at 400 Patroon Creek Boulevard, Suite 104 Albany NY 12206.

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.
<table>
<thead>
<tr>
<th>Student Behavior</th>
<th>First Offense</th>
<th>Subsequent Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under age possession/consumption of alcohol (under bulk)</td>
<td>Conduct Warning (Res Hall only), Disciplinary Warning, Notification of Parents, Community Service, Alcohol Education Program (AEP)</td>
<td>Disciplinary Probation, Removal from Residence, or Suspension from the University, Notification of Parents</td>
</tr>
<tr>
<td>Damage to property while under the influence</td>
<td>Disciplinary Probation, Removal from Residence, Restitution, Notification of Parents, Community Service, AEP</td>
<td>Suspension from the University, Notification of Parents</td>
</tr>
<tr>
<td>Driving while intoxicated</td>
<td>Disciplinary Probation to Suspension from the University, Notification of Parents, Community Service, AEP, Loss of Parking/Driving Privileges</td>
<td>Dismissal from the University, Notification of Parents</td>
</tr>
<tr>
<td>Noise violation w/alcohol present</td>
<td>Conduct Warning (Res Hall only), Disciplinary Warning, Disciplinary Probation, Notification of Parents, Community Service, AEP</td>
<td>Disciplinary Probation, Removal from Residence, or Suspension from the University, Notification of Parents</td>
</tr>
<tr>
<td>Intoxicated student/Disruptive Conduct</td>
<td>Disciplinary Warning, Disciplinary Probation, Notification of Parents, Community Service, AEP</td>
<td>Disciplinary Probation, Removal from Residence, Suspension from the University, Notification of Parents</td>
</tr>
<tr>
<td>Possessing or using illegal drugs</td>
<td>University Police notified, possible arrest, Disciplinary Warning, Removal from Residence, Notification of Parents, Community Service, Referral to the University Counseling Center</td>
<td>Disciplinary Probation, Removal from Residence, Suspension from the University, Notification of Parents</td>
</tr>
<tr>
<td>Violent behavior while under the influence of alcohol</td>
<td>University Police notified, Disciplinary Probation, Removal from Residence to Suspension from the University, Notification of Parents, AEP (where appropriate)</td>
<td>Suspension to Dismissal from the University, Notification of Parents</td>
</tr>
<tr>
<td>Possession of illegal drugs with intent to sell</td>
<td>University Police notified, possible arrest, Suspension or Dismissal from the University, Notification of Parents</td>
<td>Dismissal from the University, Notification of Parents</td>
</tr>
<tr>
<td>Hosting a party involving illegal use of alcohol</td>
<td>Disciplinary Probation, Removal from Residence, Notification of Parents, Community Service</td>
<td>Removal from Residence, Suspension from the University, Notification of Parents</td>
</tr>
<tr>
<td>Possessing kegs, beer balls or punch spiked with liquor</td>
<td>Disciplinary Probation, Removal from Residence, Notification of Parents</td>
<td>Suspension from the University, Notification of Parents</td>
</tr>
</tbody>
</table>

### III. Good Samaritan 911 Policy

The University at Albany’s Good Samaritan 911 Policy supports students who reach out for assistance in the case of a medical emergency, as well as supports the student who is helped. Therefore, a student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of this emergency medical help, will not be subject to disciplinary sanctions related to the violation of using or possessing alcohol or other drugs, as defined in Community Rights and Responsibilities (Prohibited Conduct Drugs and Alcohol). This policy applies to emergencies both on and off campus. FAQs related to how this policy is implemented are available at: [http://www.albany.edu/studentconduct/good_samaritan.php](http://www.albany.edu/studentconduct/good_samaritan.php).
Appendix F: Hazing

Hazing is a societal problem that is not limited to fraternities or sororities, but can occur in any organization. Hazing is a premeditated act of power and control over others and is considered victimization. It is abusive, degrading and often life-threatening.

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 consumption of food, alcohol, water, illegal substances;
- 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, scavenger hunts and thefts;
- 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);
- 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.

If you have been hazed, have witnessed hazing, or suspect that someone you know has been hazed, you can report your observations confidentially. You can do this by contacting the Office of Student Involvement & Leadership at 518-442-5566 OR you can report your observations confidentially on the web at [http://www.albany.edu/involvement/hazing.shtml](http://www.albany.edu/involvement/hazing.shtml). This website also has additional information about hazing.

Appendix G:

Intimate Partner Abuse, Stalking, Cyber-Stalking

The University at Albany is committed to providing a campus environment that is free of violence for all its members and for this reason does not tolerate intimate partner abuse, stalking or cyber stalking. The University’s coordinated response to Stalking and Intimate Partner Abuse, including detailed information regarding responding and reporting, health care needs and services, resources and victim’s rights can be found at [www.albany.edu/studentaffairs/sarc](http://www.albany.edu/studentaffairs/sarc).

Examples:

**Intimate partner abuse includes, but is not limited to:**

- Knowingly restricting the movements of another person, e.g., isolating, confining or obstructing a person for a period of time; monitoring a person’s activities; preventing a person from engaging in academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University; removing a person from residence or University;
- A course of conduct that places a reasonable person in fear, e.g., threats, manipulations, intimidations, verbally and/or emotionally abusive behaviors, or exhibiting extreme possessiveness or jealousy;
- Vandalism of property owned, rented or in the possession of the victim that induces fear, intimidation or manipulation;
- Defamation or slander against the victim or those close to the victim;
- Attempting to cause or causing bodily injury or offensive physical contact, e.g., slapping, pulling hair, punching, sexual assault.

**Stalking and/or cyber stalking behaviors include, but are not limited to:**
• Non-consensual communication, including, but not limited to: face-to-face, telephone, voice message, electronic mail, text messages, social network postings, instant messages, postings of pictures or information on web sites, letters, unwelcome gifts and/or contact;

• Following, pursuing, waiting or showing up uninvited to workplace, place of residence, classroom or other locations frequented by the victim;

• Defamation or slander against the victim or those close to the victim;

• Threatening or obscene gestures directed towards the victim;

• Trespassing;

• Vandalism;

• Surveillance and other types of observation, whether by physical proximity or electronic means including, but not limited to: gaining unauthorized access to personal, medical, and financial, identifying information;

• Threats by the harasser to engage in self-harm (e.g., I will kill myself) or threat to harm others the victim cares about (this can also include harm to pets);

• Unwelcome touching or physical contact;

• Direct physical or verbal threats towards victim.

Reporting

The University at Albany respects the victim’s right to choose whether or not to report incidents of stalking and intimate partner abuse to the police. It strongly encourages reporting of all incidents of stalking and intimate partner abuse to law enforcement authorities. Victims of stalking or intimate partner abuse who choose to pursue the reporting process have the right to assistance or consultation with advocates. The University at Albany offers services to victims even if they choose not to report the incident(s). The Sexual Assault Resource Center is available to inform students of appropriate referrals and reporting options.

University Police: call 911 from a campus phone OR 442-3131.
Local Police at: Albany Police 438-4000, Colonie Police 783-2811; Guilderland Police 356-1501; or East Greenbush Police 479-1212.

Contact the Sexual Assault Resource Center for information and referrals to resources both on and off campus at 956-8461. Resources are also available on the web at www.albany.edu/studentaffairs/sarc.

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/ASR.htm. Please direct any requests for a paper copy of this report to the University Police Department at 442-3130.

Appendix I:

Hate or Bias-Related Crime

The University at Albany strives to protect all members of the University community by prosecuting hate or bias-related crimes that occur within the campus jurisdiction. Criminal offenses may include, but are not limited to, assault, endangerment, imprisonment, manslaughter, murder, stalking, rape, kidnapping, burglary, larceny, and robbery.
The full text of the applicable NYS law may be found in Section 485 of the NYS Penal Code. As with any conviction for a misdemeanor or a felony under NYS law, the punishment for hate crimes may include fines and/or imprisonment, depending on the underlying crime. For sanctions that may be imposed by the University for violations of prohibited conduct, please see Article VIII of this document, Sanctions.

If you are a victim of, or witness to, a hate or bias-related crime on campus, report it to the University Police by calling 911 in an emergency, using a Blue Light Phone, or campus telephone at (518) 442-3131. You may also report to the Office of Conflict Resolution and Civic Responsibility at (518) 442-5501 or crcr@albany.edu.

You may seek support through the Victim Assistance Liaison at (518) 442-3130. The University counseling Center can also offer assistance at (518) 442-5480 or at consultation@albany.edu. For peer assistance when classes are in session or after normal business hours, call the Middle Earth Hotline at (518) 442-5777.

Nothing contained in this Appendix shall be construed to limit or restrict freedom of speech and peaceful assembly.

Appendix J:

Sexual Assault: Reporting Options, Victim’s Rights Statement and Prevention Programs

I. HOW TO REPORT A SEXUAL ASSAULT

1) REPORT TO POLICE

All students are encouraged to report incidents of sexual assault to the police. Students who wish to press charges may contact the police in the jurisdiction where the assault occurred.

It is very important that the victim make a decision about whether to file criminal charges without pressure from any individual or group. For students who are uncertain about whether to prosecute, it may be important for them to first obtain information about what to expect from police agencies, the process of investigation and prosecution. There are resources where students may seek such information: Albany County's Crime Victim and Sexual Violence Center (CVSVC) (518-447-7100), UAlbany's Sexual Assault Prevention Program (518-442-5800) and the University Counseling Center (518-442-5800).

On-Campus Incidents: The University Police Department (UPD) conducts investigations of on-campus sexual assaults, and they can be reached 24 hours a day at 518-442-3131 (or 911 from an on campus phone). As a community policing organization, UPD makes every effort to be sensitive to the needs of victims. Reporting a sexual assault to UPD does not obligate the victim to cooperate in pressing charges. Other reasons for the victim to inform police include: 1) giving themselves the option of pressing charges at a later date; 2) making police aware of potential danger to other students; and 3) having an incident report on file in case the same assailant harms someone else.

Off-Campus Incidents: If the assault took place off-campus, the victim may report the incident to the police department with jurisdiction (e.g., Albany City Police at 518-438-4000). The student may request that a victim’s advocate (from Albany County’s CVSVC) accompany her/him throughout the criminal proceedings.

University Police can document a report of an off-campus assault, but do not take an official report leading to criminal charges. This must be done by the victim at the local police agency. UPD will seek the victim’s consent to notify the appropriate off-campus authorities. Neither the name nor other identifying information will be disclosed without the victim's consent (note that identifying information includes the names or residential addresses of either the victim or perpetrator). This is meant to ensure that the victim decides whether or not an investigation is pursued. However, it is the practice of UPD to report that a felony may have been committed in the jurisdiction of another police department. The incident may be reported to off-campus police by date, time, approximate location, and type of crime. In such cases, a designated representative from UPD will share information with a designated representative from the off-campus police department.
2) REPORT TO UNIVERSITY PERSONNEL

Students are encouraged to report all incidents of sexual assault to a member of the University such as a Residential Life Staff member, the Coordinator for Sexual Assault Prevention (518-442-5800) or to a staff member in the Office of Conflict Resolution and Civic Responsibility (518-442-5501), in order to receive help in accessing support services and in referring the sex offender to the on-campus judicial system. However, this decision must be made by the victim and shall be respected by all members of the University.

WHY REPORT TO THE CAMPUS JUDICIAL OFFICE?

If a victim makes a report to the campus judicial office - the Office of Conflict Resolution and Civic Responsibility, the Director of Conflict Resolution and Civic Responsibility (518-442-5501) will assist in filing a complaint for possible university disciplinary action against the alleged sex offender. The Associate Director of Residential Life/Quad Supervisor (518-442-5875) can also assist in this process.

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 in this document under “Conduct of Hearings”.

Where there is reason to believe the University’s regulations prohibiting sexual misconduct have been violated, the University will pursue strong disciplinary action, with allegations evaluated using a “Preponderance of the Evidence” standard, which means “it is More Likely than Not” that a violation of the Student Code of Conduct and, in this instance, that sexual misconduct or sexual assault has occurred. This discipline includes the possibility of suspension or dismissal from the University.

3) MAKE A CONFIDENTIAL REPORT

The following are Confidential Reporting Options:

- University Counseling Center, (518-442-5800)
- Sexual Assault Prevention Program, (518-442-5800)
- University Health Center (518-442-5454)
- Chapel House (518-489-8573)

4) DELAYING THE REPORT OF AN INCIDENT

Police reporting is an option no matter how much time has elapsed. However, timeliness of the report may affect the ability of law enforcement to obtain corroborative evidence. Medical care and/or an official rape exam continue to be important.

II. SUPPORT SERVICES PROVIDED BY THE UNIVERSITY

Students are encouraged to report to University personnel who will seek the victim’s consent to notify the Vice President for Student Success. The Vice President for Student Success will provide a coordinated response that includes a variety of resources. A student’s friends and family can also be a source of support; however, friends and family will only be contacted by University personnel with the student’s expressed permission. A list of available services to provide support to the victim is included at the end of Appendix J: It will be up to the victim to choose.

Note: In accordance with federal law (the Clery Act), all campus security personnel (defined for the University at Albany as staff in Residential Life, Student Involvement & Leadership, University Police, Conflict Resolution and Civic Responsibility, Athletics, Undergraduate Studies and Diversity and Inclusion) are required to make a date, time and location report. However, neither the name nor other identifying information will be disclosed without the victim’s consent.
III. SEXUAL DISCRIMINATION COMPLAINTS

A student can speak with the Title IX Coordinator (518-956-8110) if he/she would like to file a sex discrimination complaint. The Title IX Coordinator oversees all Title IX complaints, and identifies and addresses any patterns or systemic problems that arise during the review of such complaints. This process is different from any law enforcement investigation, and a law enforcement investigation does not relieve the University from its Title IX obligation to take appropriate action to investigate and end sexual violence, prevent its recurrence and address its effects.

IV. RETALIATION

Any threat of retaliation or other attempts to prevent the reporting of sexual misconduct will be prohibited and is subject to disciplinary action. Reports of retaliation should be made to the Director of Conflict Resolution and Civic Responsibility (518-442-5501) and/or the Associate Director of Residential Life/Quad Supervisor (518-442-5875) who will assist in filing a complaint for university disciplinary action.

Definition: Retaliation is an intentional act taken against an individual who initiates any sexual misconduct complaint, including stalking or intimate partner violence, pursues legal recourse for such a complaint, or participates in any manner in the investigation of such a report. Any act of retaliation is prohibited and is subject to judicial referral.

V. VICTIMS OF CAMPUS SEXUAL ASSAULT:
STATEMENT OF PRINCIPLES AND RIGHTS

The University at Albany is committed to providing a safe and secure environment in which all members are treated with dignity and respect, and a campus free from all discrimination on the basis of sex. To that end, the University takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence or the use of coercion, 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 be reported, the University will investigate allegations and take appropriate actions, to the fullest possible extent. The University supports the victim’s right to privacy. In the event that a victim wishes to remain anonymous, the University will respect that request while evaluating the obligation to protect the safety and well-being of the broader community. For example, in the event that the assault/crime must be reported, the request for anonymity would be weighed against other factors, such as whether the accused individual is the subject of other complaints. In such instances, every safeguard will be taken in order to ensure the victims’ anonymity. 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 provide information about campus and community medical and counseling resources and support the victim’s right to make choices about these resources and options.

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:

1) THE RIGHT TO 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 any threat of retaliation or other attempt to prevent the reporting of sexual misconduct;
• 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.

2) THE RIGHT TO RESOURCES ON AND OFF CAMPUS

Victims shall:

• Receive notice describing options to pursue a criminal complaint with the appropriate law enforcement agency, to pursue the University’s disciplinary process, or to pursue both processes simultaneously;
• 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;
• Additional information about resources and options to aid in recovery are available at the end of Appendix J and at www.albany.edu/counseling_center/sarc.

3) THE RIGHT TO CAMPUS JUDICIAL PROCEEDINGS

Victims have the right to:

• Written and advance notice about a disciplinary hearing involving the person or persons accused of sexually assaulting them;
• Have the opportunity to present witnesses and other evidence, and to receive notice of the process, information about procedures, and written notice of the outcome in a manner that is equivalent to the process of the accused;
• Have a person of their choice accompany them throughout the disciplinary hearing;
• Remain present during the entire proceeding, whenever possible; alternative arrangements may be made for those who do not want to be present in the same room as the accused during the disciplinary hearing;
• Be heard at the proceeding;
• Be assured that their irrelevant past sexual history will not be discussed during the hearing;
• Make a “victim impact statement” if the accused is found in violation of the code;
• Be informed in a timely fashion (60 days) of the outcome of the hearing;
• Have the right to appeal the outcome of the hearing.
4) THE RIGHT TO LAW ENFORCEMENT AND CAMPUS INTERVENTION

- Reports of sexual assault will 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; “No contact” orders (e.g., Cease and Desist orders) shall be issued promptly and in writing to all parties to a reported sexual assault after the University receives notice of a complaint;
- 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.

5) NOTE: 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.

Statement of Principles and Rights adapted from: Rutgers (c 2006), Princeton (c 2006) & Ball State Universities’ Rights Statements.

VII) PREVENTION PROGRAMS

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 http://www.albany.edu/counseling_center/sarc/index.shtml and http://police.albany.edu.

VII) RESOURCES

With a victim’s consent the Vice President for Student Success or designee (518-956-8140) will provide a coordinated response that includes a variety of resources to assist the student. A student's friends and family can also be a source of support and students are encouraged to speak with them, however friends and family would only be contacted by University personnel with the students’ expressed permission. The following is a list of available services to provide support to the victim. It will be up to the victim to choose.

University Resources for Help and Support:

1. The Coordinator for Sexual Assault Prevention (518-442-5800) for information and referral to on and off campus resources;
2. The University Counseling Center for mental health services (518-442-5800);
3. The University Health Center for health services (518-442-5454);
4. Residential Life staff, if the student lives in University housing (Main Office 518-442-5875);
5. Undergraduate Education (518-442-3950) and Graduate Studies (518-442-3980) and/or teaching faculty to facilitate academic accommodations;
6. Disability Resource Center (518-442-5490), International Student Services (518-591-8189) and Multicultural Student Success (518-442-5566), Student Involvement and Leadership (518-442-5566), as appropriate
7. The Office of Diversity and Inclusion (518-956-8110) for sex discrimination complaints;
8. Title IX Coordinator (518-956-8110) for sex discrimination complaints;
9. Chapel House staff for spiritual support to the student (518-489-8573);
10. Middle Earth Hotline 518-442-5777 for peer assistance.

Off-Campus Resources:

Crime Victim and Sexual Violence Center (CVSVC) 518-447-7716

Appendix K:

Investigation of Violent Felony Offenses

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.