



2011 - 2012 Student Handbook

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ALMA MATER

Hail Oswego

**Voices fill the air
Singing reverently
Pledging our school fair
Truth and loyalty**

**This our song we raise
In her name and praise
Oswego, Alma Mater
Hail to thee!**

The Student Handbook is published annually
by the Division of Student Affairs and Enrollment Management
State University of New York at Oswego.

Questions or suggestions may be directed to:
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Message from President Deborah F. Stanley

To Members of our Student Community:

Welcome to the SUNY Oswego community. As with any other community membership, being a part of an academic institution requires of you a familiarity with the policies and procedures of the College and an understanding of how those policies and procedures will positively influence your time here.

Our campus is a learner-centered community. We focus our attention on the intellectual and citizenship development of our students. An important element of your “citizenship” here is time spent reflecting on what it means to be an active member of an academic community. What is your role in establishing and sustaining a vibrant environment in which students and faculty learn together; how will you demonstrate academic integrity; what will you teach others? By taking an active role in your learning process, you will quickly find that Oswego is an exciting place to live, work, and learn.

In order to create and maintain a campus environment that enhances your motivation to learn, certain rights and responsibilities are required. You, for example, have the right to live and study in an environment that actively promotes learning and respect for others. You also have the right to expect that prejudice, harassment, and violence will not be tolerated and that your individual and intellectual freedoms will be protected. At the same time, you have a responsibility to ensure that your conduct while a member of this community does not abridge those rights for other members.

This Student Handbook will give you a sense of what to expect and what is expected of you as you interact with other members of the campus community. The Handbook details policies and procedures that are meant to ensure protection of your individual and intellectual freedoms, protection of the academic integrity of our community, honesty in your actions, and support for the dignity of all individuals. You will find detailed articulation of the protections you are afforded, the responsibilities you must meet, and the avenues of redress available to you as a citizen of this college.

Review at your leisure our many other publications, including our undergraduate and graduate catalogs, our departmental web pages and brochures. Gradually, you will learn about exciting opportunities currently available to you, as well as new directions and goals for the future. For example, our latest strategic plan, *Engaging Challenge*, (www.oswego.edu/strategicplan) identifies five core values that will distinguish Oswego graduates from other college graduates: Vitality, Intellectual Rigor, Engagement, World Awareness, and Solutions. I invite you to explore how to combine your goals with those embedded in these core values. You may also be interested in reviewing "The Power of SUNY" - the strategic plan for the State University of New York. You can view this document at <http://www.suny.edu/powerofsuny>.

As a compilation of documents and information pertinent to your full participation in the institution, this Student Handbook can become a comprehensive guide. It will not, however, serve as a substitute for the meaningful dialogues and interactions that will help you meet the challenges you encounter as you pursue your goals. I encourage you to become an active and engaged member in the Oswego academic community.

Engaging Challenge: The Sesquicentennial Plan 1861 - 2011

With focused commitment to the College's mission and vision, we have identified five strategic directions as key to achieving our aspiration as a world-class institution that prepares its students as responsible global citizens who have humane, thoughtful and influential actors on the world stage and who provide valuable leadership in their communities and professions.

Vitality

First and foremost, we will be a college that radiates a vibrant, intellectually engaging, forward-thinking, culturally and artfully spirited, collaborative and proud community

Intellectual Rigor

We will be an institution where the academic and intellectual environment in which students learning will be rigorous, stimulating and diverse. Together with our students, we will foster an atmosphere of high expectations, intellectual integrity and appreciation for the power of education.

Engagement

Students, faculty and staff will be deeply engaged in an intellectual and experiential understanding of civic engagement. We will foster a shared sense of community by nurturing trust, collaboration, communication and healthy living.

World Awareness

Our campus community will reflect the world's rich diversity and our students will have a deep understanding of themselves and respect for the complex identities of others, their histories and their cultures. Together, we will cultivate a deeper and broader degree of human understanding beginning with our campus.

Solutions

The college will give priority to applying research, scholarship and creative activity to solve real-world problems. We will nurture the social consciousness of ourselves and our students and foster deeper interest in critical global challenges.

Excerpted from *Engaging Challenge: The Sesquicentennial Plan* located at:
www.oswego.edu/strategicplan

Division of Student Affairs and Enrollment Management

One of five divisions of the College, the Division of Student Affairs and Enrollment Management is staffed to provide learning experiences and support services for students and encourages students to become actively engaged as participating members of our academic community. Together, students and Student Affairs staff contribute to a campus environment that nurtures student activity and events. Learning experiences for students outside of class contribute to students' growth in interpersonal, problem-solving, and community building capabilities.

Some of the more common contact points for students, particularly new students are noted in the list of Student Affairs Departments on page 8.

In order to achieve a campus environment likely to provide opportunities for valuable learning experiences for each student, we value and strive to sustain a vibrant, caring and just learning community. To that end, each individual member of our community commits to:

- respecting the unique strengths and experiences of ourselves and others, our creativity, our diversity, and our desire to learn;
- understanding that our learning is enhanced through inquiry, exploration, practice and reflection;
- engaging in personal endeavors and collective activities that benefit our campus and community, enrich our educational experience, and broaden our understanding of the diversity and similarities that shape our shared human experiences.

Student Affairs Learning Program

Our staff has focused significant resources and effort in creating learning experiences that provide students with opportunities to further develop their aspirations and capacities for success. Our student experience at Oswego is marked by active student engagement in learning opportunities that will provide our students a comparative advantage among college graduates elsewhere. Student Affairs programs provide intentional learning opportunities outside the classroom in each of the dimensions listed below with the expectation that students who engage in these activities will develop specific characteristics of an educated leader in their future professional and social communities.

Intrapersonal Development

Realistic self appraisal, self understanding, self respect

Assesses, articulates, and acknowledges personal skills, abilities, and growth areas; uses self-knowledge to make positive decisions; articulates rationale for personal behavior; seeks and considers feedback from others; critique and subsequently learns from past experiences; employs self-reflection to gain insight and reflect on personal decisions; functions without need for constant reassurance from others; balances needs of self with needs of others; understands the impact of personal decisions.

Identity Development

Integrates multiple aspects of self identity into a coherent whole person; recognizes and exhibits interdependence in accordance with community, cultural and personal value; identifies and commits to important aspects of positive self image.

Commitment to Ethics and Integrity

Incorporates ethical reasoning into action; explores and articulates the values and principles involved in personal decision-making; acts in congruence with personal values and beliefs; exemplifies honesty and integrity; assumes personal responsibility for personal decisions.

Purpose and Belief

Develops and articulates personal belief system; understands the role of belief, personal and group values in behaviors; explores issues of purpose, meaning, and faith.

Interpersonal Competence

Meaningful Relationships

Exhibits healthy, mutually beneficial relationships with others; understands behaviors that are involved in having a healthy relationship; demonstrates skills to manage conflict and difference; demonstrates appropriate assertive behavior.

Interdependence

Seeks help from others when needed and offers assistance to others; shares group, community or organizational goals and works with others to achieve it; learns from the contributions and involvement of others; listens to and considers others' points of view.

Collaboration

Works collaboratively with others in group, community or team situations; works cooperatively with people different from self and/or with different points of view; seeks and values the involvement of the others; listens to and considers others' points of view.

Effective Leadership

Demonstrates skill in guiding and assisting a group, organization, or community in meeting its goals; identifies and understands the dynamics of a group; exhibits democratic principles as a leader or group member; communicates a vision, mission or purpose that encourages commitment and action in others; exhibits skills to effectively resolve problems in purposeful group activities.

Humanitarianism and Civic Engagement

Understanding and appreciation of cultural and human differences

Understands one's own identity and culture; seeks involvement with people different from oneself; articulates the advantages and impact of a diverse community; identifies systematic barriers to equality and inclusiveness, then advocates and justifies means for dismantling them; in interactions with others, exhibits respect and preserves the dignity of others.

Global Perspective

Understands and analyzes the interconnectedness and shared humanity of communities worldwide; demonstrates effective stewardship of human, economic, and environmental resources.

Social Responsibility

Recognizes social systems and their influence on people; appropriately challenges the unfair or uncivil behaviors of others or groups; participates in service/volunteer activities that are characterized by reciprocity; articulates the values and principles involved in personal decision making; affirms and values the work of individuals and communities.

Sense of Civic Responsibility

Demonstrates consideration of the welfare of others in decision-making; engages in critical reflection of principled dissent; understands and participates in relevant governance systems; understands the importance of being an informed member of the community; understands the roles and rights of citizens within a democratic society; educates and facilitates the civic engagement of others.

Adapted from CAS Professional Standards from Higher Education, 7th Edition (2009)

Departments: Division of Student Affairs and Enrollment Management

Dr. Joseph Grant Vice President for Student Affairs and Enrollment Management	230 Sheldon Hall	312-2250
Dr. James Scharfenberger E-mail: deanstaf@oswego.edu Associate Vice President and Dean of Students	711 Culkin Hall	312-3214
Admissions http://www.oswego.edu/admissions	229 Sheldon Hall	312-2250
Athletics http://www.oswego.edu/athletics	202 Laker Hall	312-3056
Auxiliary Services http://www.oswego.edu/administration/auxiliary_services Resident Dining Services; College Bookstores	507 Culkin Hall	312-2106
Campus Life http://www.oswego.edu/student/services/campus_life/ Campus Recreation, Student Organizations, Student Activities	135 Campus Center	312-2301
Compass http://www.oswego.edu/student/success/compass Major Exploration, Career Advisement, First Year Student programs, Transfer Student programs, Volunteer Services/Service Learning	145 Campus Center	312-2240
Counseling Center http://www.oswego.edu/student/services/counseling_services	Mary Walker Health Center	312-4416
Disability Services http://www.oswego.edu/student/services/disabilities	155 Campus Center	312-3358
Financial Aid http://www.oswego.edu/admissions/costs/financial Veterans' Services, Student Employment	206 Culkin Hall	312-2248
Health Services http://www.oswego.edu/student/health/	Mary Walker Health Center	312-4100
Judicial Affairs http://www.oswego.edu/administration/judicial	503 Culkin Hall	312-3378
Lifestyles Center http://www.oswego.edu/student/health Alcohol and Other Drugs, MyStudentBody, Health Education	Mary Walker Health Center	312-5648
Residence Life and Housing http://www.oswego.edu/student/residential/	303 Culkin Hall	312-2246

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Code of Student Rights, Responsibilities and Conduct

The College mission is to foster learning and encourage students' educationally purposeful activity. The Code of Student Rights, Responsibilities and Conduct is intended to provide students with an explicit statement of the conditions and expectations that are necessary to sustain the educationally purposeful character of our College environment.

The Code of Student Rights, Responsibilities and Conduct (hereafter referred to as the Code) was enacted by the Student Association Senate February 23, 1970, and adopted by the College Council October 21, 1971.

Generally, the Code governs the conduct of students and takes precedence over all other policies and procedures governing student behavior. In addition, conduct by students, staff, faculty and guests/visitors to the campus is governed by the Regulations and Procedures for Maintaining Public Order on Campuses of the State University (hereafter referred to as Regulations for Public Order). Generally, where student conduct allegedly violates standards in both the Code and the Regulations for Public Order, the disciplinary procedures of the Code will be followed. These two documents are complementary.

Title

1. These rules shall be known as the State University of New York at Oswego Code of Student Rights, Responsibilities, and Conduct, hereafter referred to as the Code.

Definitions

2. When used in this Code,
 - A. The term, "College," means State University of New York at Oswego, Oswego, New York, and collectively, those persons responsible for its control and operation.
 - B. The term, "student," includes all persons taking courses, both full-time and part-time, pursuing undergraduate, graduate, or extension site studies.
 - C. The term, "member," means persons who are students or persons who are employed as faculty or staff at the College.
 - D. The term, "college official," means any person employed by the College to serve in an instructional, research, advisement, administrative, supervisory, or support staff role as described by employee performance programs or College policy; or a person or company with whom the College has contracted as its agent to provide a service; or a person serving on the Board of Trustees; or a student who serves on an official College committee. A College official has a legitimate educational interest if that person needs to review an education record in order to fulfill his or her professional responsibilities for the College.
 - E. The term, "instructor," means any person hired by the College to conduct classroom activities. In any situation where a person may be both "student" and "instructor," that person's status shall be determined by the facts and circumstances of a specific issue.
 - F. The term, "Dean of Student Affairs or designee", means the person designated by the College President to be responsible for the administration of the Code of Student Rights, Responsibilities and Conduct.
 - G. The term, "judicial body" or "judicial officer", means any person or persons authorized by the Assistant Dean of Students for Judicial Affairs to determine whether a student has violated the Code of Student Rights, Responsibilities and Conduct and to recommend the imposition of sanction(s).
 - H. The term, "complainant", means any person who submits a statement alleging that a student violated this Code.**

- I. ***The term, "respondent", means any student accused of violating this Code.***
- J. ***The term, "consent", means clear, knowing and voluntary permission regarding willingness to engage in (and the conditions of) sexual activity. Silence in and of itself cannot be interpreted as consent. Consent can be given by words or actions as long as those words or actions create mutually understandable clear permission. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Neither prior consent nor previous relationships can imply consent to future sexual acts.***
- K. ***The term, "force", the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.***
- L. The term, "legal compulsion", means a judicial or legislative order that requires some action by the person to whom it is directed, or any order or directive originating from SUNY policy or regulations.
- M. The term, "organization", means a number of persons who desire to come together to support a particular view, explore common interests, or accomplish identified tasks and who are willing to subscribe to the stated aims and to meet the stated obligations of the organization.
- N. The term, "registered student organization", means a student organization that has complied with the formal requirements for registration with the College as provided in Section 18.
- O. The term, "recognized student organization", means a registered student organization that has complied with the formal requirements for recognition by the Student Association as provided in Section 20.
- P. The term, "Student Association", means the student organization that the College has designated as having responsibility for the disbursement of the Student Activity Fee.
- Q. The term, "student press", means either an organization whose primary purpose is to publish and distribute any publication on campus, or a regular publication of an organization.
- R. The term, "shall", is used in the imperative sense.
- S. The term, "may", is used in the permissive sense.
- T. All other terms have their natural meaning unless the context dictates otherwise.

Please note: Text in ***Bold Italics*** is pending approval by College Council in September 2011.

Bill of Rights

- 3. The following enumeration of rights shall not be construed to deny or disparage other rights retained by students in their capacity as members of the student body or as citizens of the community at large. Please refer to the Bill of Rights and Responsibilities for Faculty, Students, Administrators, Staff and College Council at Oswego in this handbook. The College reserves the right to determine time, place, and manner of the use of its facilities and grounds.
 - A. Free inquiry, expression and assembly are guaranteed to all students.
 - B. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the College.
 - C. The right of students to be secure in their persons, living quarters, papers and effects against unreasonable searches and seizures is guaranteed.
 - D. No disciplinary sanctions constituting deprivations of educational property rights may be imposed on any students without notice to the accused of the nature and cause of the charges except as provided for by Section 42, Interim Suspension. A disciplinary hearing complies with due process requirements.

Expression

- 4. Discussion and expression of all views are permitted within the College, subject to the provisions of this Code, the *Regulations and Procedures for Maintaining Public Order on Campuses of the*

State University of New York, and to the legally recognized conditions placed upon the rights of free speech and expression. Support of any cause by orderly means which does not interrupt the operations of the College is permitted, subject to reasonable conditions which may be imposed by the College as to notification, time, place, and manner. Protection of free speech does not extend to conduct that incites violence or targets individuals or groups.

5. Discussion and expression of all views in the extracurricular environment of the College are subject to the College's responsibility for maintaining the continuity and quality of the educational process in and out of class, the safety of individuals, and the protection of property. The College reserves the right to determine time, place, and manner of the use of its facilities and grounds.
6. Discussion and expression of all views contributing to the understanding of the subject matter is encouraged in the classroom, subject only to the responsibility of the instructor to maintain the academic environment.
 - A. Students are responsible for learning the content of material assigned or discussed for all courses in which they are enrolled.
 - B. Requirements for participation in classroom discussion and submission of written exercises and out of class experiences are not inconsistent with this section.
7. Academic evaluation of student performance shall be based on the quality of the work by a student for a course. Extra curricular issues unrelated to the course shall not play a role in such evaluations. Also basic to the teaching/learning process in college course work is the authority of the course instructor to assign a grade to indicate the quality of student achievement.
8. Information about students' personal views, beliefs, and political associations acquired by professors or instructors in the course of their professional or official work is confidential and is not to be disclosed to other people unless under legal compulsion or within the ordinary course of the College's business. Information relating to a student's intellectual or skills capacity is not subject to this section when such information is given in the ordinary course of the College's business.
9. Students, groups, and campus organizations may invite and hear any person of their own choosing, subject only to the requirements for use of College grounds and facilities (Section 22), The Code, and the Regulations for Public Order.

Protest

10. The right of peaceful protest and peaceful support of a cause is guaranteed within the College community. The College retains the right to determine the time, place and manner of assembly or presentation to assure the continuity and quality of the educational process in and out of class, the safety of individuals, and the protection of property.
11. Orderly, nonviolent, and non-disruptive picketing and other forms of peaceful protest are permitted on College premises. Actions by participants or bystanders which include behavior beyond normal standards of personal interaction, such as intimidation by physical proximity or by number, may be construed as disruptive forms of peaceful protest. Please refer to the *Regulations and Procedures for Maintaining Public Order on Campuses of the Student University of New York* located in this section of the handbook.
 - A. Interference with ingress to and egress from College facilities, interruption of classes, College activities, or damage to property shall result in disciplinary action against the alleged violators, including arrest.
 - B. Remedies are available to discipline such actions through local law enforcement bodies and the College disciplinary system.

12. Orderly picketing and orderly demonstrations are permitted in public areas within College buildings, subject to the requirements for noninterference in Section 11 and in the *Regulations and Procedures for Maintaining Public Order on Campuses of the Student University of New York*.
13. Every member of the College community has the right to be interviewed by or otherwise to meet with, on campus, potential employers whose hiring practices and business activities comply with federal and New York State laws and regulations. This section shall not be so construed as to frustrate any other reasonable and necessary rules pertaining to job recruitment on the campus.

Student Participation in College Policy Formation

14. All constituents of the College community are free, individually and collectively, to express their views on issues of College policy and on matters of interest to the student body. The President shall provide clearly defined means for student expression on all College policies affecting academic and student affairs. Students may petition the College regarding issues of administrative policy and actions.
15. The role of the student government and its responsibilities shall be made explicit. There should be no review of lawful student government actions except where review procedures are agreed upon in advance or clearly mandated by law or by SUNY regulation.
16. Where College owns and operates residences, the residents shall significantly participate in the development of programs and policies directly and substantially affecting their personal lives, including the imposition of sanctions for violations of stated norms of conduct, except that the College may direct minimal standards to insure compliance with all federal, state and local laws, College policies, and *Regulations and Procedures for Maintaining Public Order on Campuses of the Student University of New York*.
17. On questions of educational policy, students are entitled to a participatory or consultative role.
 - A. Faculty-student committees with ex-officio College student affairs staff shall be created to consider questions of and to make recommendations concerning policy directly affecting student life.
 - B. Students shall be designated as members of standing and special advisory committees concerned with College policy affecting academic and student affairs, including those concerned with curriculum, discipline, admissions, and allocating of student funds.
 - C. This section shall not be construed as a limitation on students' rights to be members of committees serving a function other than advisory whenever such membership is permitted under the Policies of the Board of Trustees, Regents Regulations, the laws or regulations of the State of New York, or the policies of the College.

Student Organizations

18. Student Organizations are an important link in students' learning experiences at Oswego State. Such organizations contribute to the overall development and enjoyment of their members. Additionally, student organizations provide a platform for members to develop their leadership skills and contribute to the social and intellectual fabric of the campus environment. The College encourages students to form student clubs and organizations and requires registration of all clubs and organizations that wish to use College facilities and grounds for their meetings, events, and activities.
 - A. Student organizations may be established within the College for academic, educational, social, and recreational purposes. Such organizations may qualify for the use of College facilities and other privileges of association with the College by registering with the Department of Campus Life described in the policy on *Student Organization Procedures* in this handbook.

- B. Subject to regulations of the State University of New York, affiliation with an extramural organization shall not, in itself, disqualify the College branch or chapter from College privileges.
 - C. Any student organization members who engage in activities in violation of the law, this Code, or the policies, procedures and rules of the College, on or off campus, may be subject to College disciplinary action. The officers of such student organizations may also be subject to College disciplinary action as a result. Sanctions for student organizations include, but are not limited to, the denial of recognition by the Student Association, the denial of registration and permission to use facilities and services by the College, and other sanctions as deemed appropriate as a result of a due process hearing.
19. The collection, appropriation and disbursement of student activity fees must conform to the existing policies of the State University of New York Board of Trustees related to Student Activity Fees. A representative student organization, designated as such by the President of the College, shall prepare and approve a budget for the expenditure of such fees. This budget must be submitted to, and approved by the President, or designee, for review and to certify that the allocations are in compliance with the policies and procedures which govern the use of these fees before such monies are disbursed. Currently, the designated student organization is the Student Association.
20. Student organizations that desire to be recognized and funded by the Student Association and receive the rights and privileges of recognition must meet the requirements set forth by the Student Association.
- A. All student organizations that meet the following requirements shall be recognized:
 - 1. Submission of a list of officers and copies of the organizational constitution and by-laws to the appropriate Student Association official or body. All changes and amendments shall be submitted in writing within one week after they become effective.
 - 2. Where there is affiliation with an extramural organization, that organization's constitution and bylaws and the name and address of an organization contact person shall be filed with the appropriate Student Association official or body. All proposed amendments shall be submitted in writing at least 14 days prior to their becoming effective.
 - 3. All sources of outside funds shall be disclosed to the Director of Finance and subject to the Student Association financial policy.
 - B. Upon recognition of an organization, the Student Association shall make clear that said recognition infers neither approval nor disapproval of the aims, objectives, and policies of the organization.
 - C. Any recognized student organization desiring to take advantage of privileges afforded by the College must register with Department of Campus Life.
21. Membership in any student organization shall be open to any member of the College community who is willing to subscribe to the stated aims and to meet the stated obligations of the registered student organization.
22. Generally, membership lists are for the exclusive use of registered student organizations and are maintained by the College or the student organization in the furtherance of the quality of the student organization and will be shared only with College staff who have a legitimate educational interest. The names, addresses, telephone numbers, and e-mail addresses of officers are required as a condition of registration with Department of Campus Life for use of College facilities and services.
23. College facilities and grounds shall be assigned by the College to registered student organizations for business meetings, educational meetings, social programs, and programs or events

open to the College community or the public, in accordance with the following provisions:

- A. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the facilities assigned, to regulate time and manner of use, and to insure proper maintenance and personal safety.
 - B. Preference may be given to programs designed for audiences consisting primarily of members of the College community.
 - C. Allocation of facilities shall be made based on priority of requests and the demonstrated needs of the registered student organization.
 - D. The College may delegate the assignment function to an administrative official, to another employee(s), or to a student committee on organizations.
 - E. Charges may be imposed for costs associated with the use of grounds and facilities.
 - F. Physical abuse of assigned facilities shall result in limitations on future use of facilities or grounds by offending registered student organizations and restitution for damages. Student organizations, their officers or directors shall be secondarily liable for damages occasioned by the physical abuse of the facilities during use.
 - G. Registered student organizations requesting the use of facilities or grounds shall follow the procedures described in the College's Facilities Use policy in this handbook.
24. In accordance with the Board of Trustees' Resolution and accompanying guidelines issued by the Office of the Chancellor, dated May 31, 1967, the following regulations concerning the use of the College name are in effect:
- A. No student shall indicate or imply that he/she has a relationship with the State University of New York at Oswego or the State University of New York beyond that of his/her officially enrolled status.
 - B. Only registered student organizations may indicate on their letterhead and in the routine course of business that the organization is located at the State University of New York at Oswego. Registered student organizations shall refer to themselves as "*Name of Student Organization at Oswego State*". In no way shall a student or a registered student organization indicate or imply that it has the authority to act in the name of the College or in any way make binding commitments on behalf of the College.
 - C. Announcements, letters, bulletins, posters, et cetera, promoting or describing a meeting, event, program, or activity, or stating a position, point of view or concern must clearly indicate the name of the sponsoring or posting organization(s) and contact information of the individual member(s) designated as the contact person(s) for the event.

Publications

25. A student, or registered student organization may reasonably distribute, hand-to-hand, written material on campus without prior approval, providing such distribution does not disrupt or interfere with the educational, administrative, or operational activities of the College, the maintenance of College property, the terms of this Code, or the free flow of traffic and persons. All such written material shall clearly identify its sponsor. Sponsors are responsible for the cleanliness of the College facilities as a result of posting or leaf-letting. The posting of notices or advertisements and the display of messages on campus grounds and in campus facilities must comply with the College policies on *Posting and Distributing Promotional Materials* and *Sidewalk Chalking* in this handbook.
26. The student press is to be free of censorship. The editors and managers shall not be arbitrarily suspended because of student, faculty, administrative, alumni, or community disapproval of editorial policy or editorial content. Similar freedom is assured for oral statements of views on a student-operated radio or television station. Editorial freedom entails a corollary obligation of student media organizations under the canons of responsible journalism and applicable regulations of the Federal Communications Commission.

27. All student media shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the College or its student body.

Privacy

28. Students have the same rights to privacy as any other citizen and surrender none of those rights by becoming members of the academic community. These rights of privacy extend to residence hall living with the concomitant obligations to maintaining an environment conducive to academic learning. Nothing in the College relationship or room and board agreement may expressly nor implicitly give College officials the right to consent to a warrantless search of a student's room by police or other government officials.
29. Generally, the College will not pursue inquiry into students' lives away from campus except where their conduct is harmful to self or others, detrimental to the learning environment, and/or damaging to the educational interests of the institution.
30. When the College seeks access to a student room in a residence hall to determine compliance with provisions of applicable multiple-dwelling unit laws or for improvement or repairs, the occupant shall be notified of such action not less than twenty-four hours in advance. There may be entry without notice in emergencies where imminent danger to life, safety, health, or property is reasonably feared or where a diligent effort has been made to notify the student resident, and entry is made in the course of management duties. In such cases, the College shall notify the student that entry into his/her room has been made, and reason(s) therefore shall be stated in such notice.
31. College officials may conduct a search of a student room in a residence hall to determine compliance with federal, state, and local law, and College policies, procedures, and rules where there is reasonable cause to believe that a violation has occurred or is occurring.

Confidentiality of Student Records

32. The privacy and confidentiality of student records shall be preserved. The Family Educational Rights and Privacy Act of 1974 (FERPA) provides current and former students with the right to inspect and review educational records, the right to seek to amend those records, the right to limit disclosure of information from the records and the right to file a complaint with the U.S. Department of Education. In addition, they have a right to an explanation and interpretation of those records, including the right to a hearing to challenge the contents of such records. Requests for an explanation concerning a record should be addressed in writing to the College official in charge of such record as indicted below.

College officials will not disclose personally identifiable information about a student nor permit inspection of their records without the student's written permission unless such action is permitted by FERPA.

33. Under the provisions of FERPA, a college may disclose information about a student designated by the College as "directory information." Any student who wishes to make directory information confidential by the College must submit a written request to the Registrar's Office. The student's directory information will remain confidential until the student requests otherwise. SUNY Oswego has designated the following as Directory Information:
 - Student name
 - Age
 - Address (including e-mail)
 - Telephone number

- Photographs
 - Previous educational institution(s) attended
 - Dates of attendance
 - Degrees, honors, and awards received
 - Major field of study
 - Class Year
 - Expected date of graduation
 - Enrollment status (Full/Part-time)
34. Official student academic records, supporting documents, and other student files shall be maintained only by members of the College staff employed for that purpose. All such records are the property of the College. Separate files shall be maintained of the following educational records:
- A. Academic records, supporting documents, and general education records – maintained by the Registrar, academic departments and advisors, and the Deans' offices;
 - B. Records of disciplinary proceedings - maintained by the Dean for Student Affairs or designee;
 - C. Financial records - maintained by the Business Office;
 - D. Medical records - maintained by the Health Center;
 - E. Financial aid records - maintained by the Office of Student Financial Aid;
 - F. Placement records - maintained by Career Services (in the Compass);
 - G. Counseling records - maintained by the Counseling Services Center;
 - H. Incident reports - maintained by the Department of University Police;
 - I. Health Records.
35. The following records are not available for student inspection:
- A. Records of instructional, supervisory and administrative personnel that are in the sole possession of the maker thereof.
 - B. Records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional that are used only in connection with the provisions of treatment of a student, and are not available to persons other than those individuals providing such treatment.
 - C. Records and documents of a law enforcement unit, including those of the Department of University Police.
 - D. Financial records of students' parents.
 - E. Confidential letters and statements of recommendation placed in a student's file prior to January 1, 1975, or those received after January 1, 1975, for which the student has signed a waiver of right to access, provided these letters are used only for the purposes for which they were intended.
 - F. Records connected with an application for admission to Oswego State or another unit of the State University of New York if that application was denied.
 - G. Those records which are excluded from the FERPA definition of education records (20 USC 1232g (a) (4); 34 CFR 99.3).
36. No entry may be made on a student's academic record maintained by the College Registrar and no document may be placed in the student's file without notice to the student. Publication of grades, including posting of grades on the web by the College Registrar, and announcements of honors constitute notice.
37. Refusal to Provide Copies of Records
SUNY Oswego reserves the right to deny transcripts or copies of records not required to be made available under FERPA in any of the following situations:
1. The student has an unpaid financial obligation to the College;
 2. The student has unresolved disciplinary action.

38. Information in a student's education records will not be released to third parties without the student's written consent, except as indicated below:
- A. Officials of this College, including instructional staff, who have legitimate educational interests;
 - B. Officials of other schools in which the student seeks to enroll;
 - C. Accrediting organizations;
 - D. Parents of a student who qualifies as a dependent under Section 152 of the Internal Revenue Code of 1986;
 - E. Federal and State educational authorities and organizations conducting studies for such authorities in the areas of testing, student aid, and instruction;
 - F. Those individuals who seek information pursuant to a judicial order or subpoena;
 - G. Where the student and SUNY is engaged in litigation;
 - H. The victim of a student determined by the College to be the perpetrator of a crime of violence or non-forcible sex offense (the final results reached on or after October 7, 1998, in a disciplinary proceeding involving that charge);
 - I. Appropriate persons in connection with an emergency involving the health or safety of individuals;
 - J. Parents or legal guardians of students under the age of 21 with respect to any violation of any federal, state, or local law, or of any rule or policy of the College governing the use, distribution, or possession of alcohol and/or other drugs (i.e., controlled substances).
39. Upon graduation or withdrawal from the College, the education records and information concerning former students shall continue to be subject to the provisions of this Code.

Disciplinary Policies and Procedures

The College recognizes that certain conduct has a detrimental affect on sustaining an environment where learning and students' educational purposeful activity can be nurtured and flourish. Therefore, the College has established due process procedures to address student conduct both on and off campus.

40. Judicial Authority

The judicial authority for resolving disputes under the Code of Student Rights, Responsibilities and Conduct is vested in the College President and designated to judicial hearing bodies enumerated in Section 43 of this Code. This judicial authority extends to all students: graduate, undergraduate, full-time, part-time, on the main campus and at extension sites.

The *Regulations and Procedures for Maintaining Public Order on Campuses of the State University of New York* also includes prohibited conduct which may be dealt with under the disciplinary procedures of the *Regulations for Public Order*. When the Code and the *Regulations for Public Order* overlap, the procedures in the Code will generally be followed, unless the President invokes the *Regulations for Public Order* in a specific instance.

41. Declaratory Judgments

Students or student organizations may petition for a judicial body to give a declaratory judgment on issues that are not before any judicial body and where no statement of charges alleging violation of the Code of Student Rights, Responsibilities and Conduct has been filed and no application for mediation has been filed. Such judgments shall be given only where a justifiable controversy exists or it is reasonably probable that such a controversy shall arise out of the facts in question. Petitioners shall submit, in writing, a description of the controversy to the Assistant Dean of Students for Judicial Affairs. Requests should provide reasonable time for the judicial body to consider the request and serve notice whether the request will be heard. Should a disciplinary proceeding regarding the controversy in question arise after the declaratory judgment, the

judicial body members sitting for the declaratory judgment shall not sit for the disciplinary hearing. The judicial body shall provide reasons to petitioners for denying a request for a declaratory judgment. The judicial body shall not devote its time to hypothetical cases. There is no right of appeal from a denial to hear such a controversy and to render judgment thereon. Petitioners and respondents shall be bound by the decision of the judicial body.

42. Interim Suspension

A student may be denied access to College programs, grounds and facilities, pending a hearing on a Statement of Charges whenever, in the judgment of the President or designee, the continued presence of the student would constitute a threat to him/herself or to the safety of persons or property on College premises, would pose a threat of disruption to the conduct of College activities or constitute a significant interference with the educational purposes of the College.

Notice of interim suspension shall be provided to the student. A meeting with the President or designee with respect to the basis of the President's decision to invoke interim suspension may be requested by the accused student by writing to the Associate Vice President and Dean for Student Affairs or designee. The interim suspension shall not exceed a reasonable time, assuming the student's response to notice and process is timely. A disciplinary hearing on the alleged violation(s) of the Code will be scheduled by the Assistant Dean for Judicial Affairs.

Students subject to interim suspension may be permitted restricted access to campus pending the outcome of a disciplinary hearing. The student may request access by writing to the Associate Vice President and Dean for Student Affairs or designee. Students who violate the terms of access may be denied all access to the campus and may be subject to disciplinary action for non-compliance.

43. Conduct Subject to Disciplinary Action

College discipline generally shall be applied to conduct by a student or student organization occurring on College premises, at College sponsored events and activities off campus and conduct by a student or student organization occurring off campus, or at off campus events and programs sponsored by the College or sponsored by student organizations. College sponsored programs off campus include, but are not limited to, internships, field study, student teaching, community service, international study programs, recreational, intramural and club sports activities, and inter-collegiate athletics.

The College will take disciplinary action against a student or student organization when it is required by law to do so, or when the nature of the conduct is such that the continued presence of the student on campus is likely to:

1. interfere with or be detrimental to the learning environment and/or educational interests and mission of the College, or
2. endanger the health or personal safety of a member(s) of the College community, or
3. harm, intimidate, or threaten another member(s) of the College community.

Within these parameters, the following conduct is subject to disciplinary action. Violation of any of the following provisions may result in the imposition of one or more sanctions listed in Section 44 of this Code.

- A. All forms of dishonesty which harm an individual member(s) of the College, the integrity of the academic programs or the educational interests and mission of the College, or a College activity or procedure whether by act or omission, including but not limited to:
 1. cheating, plagiarism and other forms of academic dishonesty;
 2. knowingly furnishing false information to the College;

3. forgery or alteration or use of documents with intent to defraud, or alteration of instruments of identification or use of altered instruments of identification.
- B. Disruption or obstruction of teaching, research, computer/information systems, administration, disciplinary proceedings, or other College activities.
- C. Disruptive behavior, including but not limited to:
1. harassment, intimidation, stalking, domestic violence, or creating a hostile environment through discrimination or bias toward any individual or group of individuals;
 2. acts of bias, or inciting violence, targeted toward an individual or group of individuals;
 3. physical abuse, assault and/or battery;
 4. threats toward any individual or group of individuals, or causing harm or reasonable apprehension of harm, or invasion of privacy;
 5. creation of a condition or situation that endangers mental or physical health of self or others;
 6. conduct which inhibits the peace or safety of members of the College community;
 7. conduct related to the use, possession, or distribution of alcohol or other drugs including intoxication and driving while intoxicated or impaired;
 8. **retaliation, harassment or coercion of parties to judicial actions, or witnesses.**
- D. **Sexual Misconduct including all forms of sexual violence, including but not limited to:**
1. **imposition of sexual contact or physical exposure without consent;**
 2. **nonconsensual sexual intercourse;**
 3. **all forms of intimidation or coercion to exact sexual favors;**
 4. **use of alcohol or other drugs to exact sexual contact;**
 5. **nonconsensual verbal, non-verbal, or cyber communication of a sexual nature as well as nonconsensual photography, video or audio taping or posting of sexual activity;**
 6. **sexual contact upon another who is reasonably unable to consent for any reason, particularly due to their use of alcohol, or other substances, emotional distress or sleep.**

Please note: Text in **Bold Italics** is pending approval by College Council in September 2011.

- E. Hazing: Any act, or creation of, or participation in the creation of any situation that harms another person(s), or endangers mental or physical health, or that involves the consumption of food, beverages (alcoholic or not), and alcohol or other substances, or that interferes with academic pursuits, for purposes of initiation into or affiliation with any group or organization.
- F. Theft from or damage to College premises or property, or theft from or damage to property of a member of the College community, or theft of services or intellectual property such as computer programs, software files or documents, library books and materials, or possession or distribution of stolen property.
- G. Failure to comply with directions of College officials acting in the performance of duties.
- H. Violation of current College policies, procedures and rules, including but not limited to, the provisions of the Code of Student Rights, Responsibilities, and Conduct and those policies contained in the Student Handbook related to:
1. academic integrity,
 2. discrimination, sexual harassment and sexual violence
 3. the use, distribution, or possession of firearms, explosives, and weapons;

4. bias crimes and incidents;
 5. hazing
 6. the use, distribution, or possession of alcohol and other drugs;
 7. entry and use of College facilities;
 8. solicitation and posting
 9. acceptable use of network
 10. student organizations.
- I. Violation of rules governing residence halls as described in the Resident Student Hand-book (located at http://www.oswego.edu/student/residential/coming_to_oswego/res_stu_hndbk.html).
 - J. Violation of federal, state or local laws in a way that is detrimental to the learning environment and/or damaging to the educational interests and mission of the College. Such violations may be established by a disciplinary hearing, independent of a criminal conviction.

44. Sanctions

After a finding that a violation of the Code has occurred, a record of previous disciplinary sanctions together with a finding of misconduct in a current charge will be taken into consideration by the judicial body to determine the appropriate disciplinary sanction. Repeat violators shall be subject to more severe disciplinary sanctions.

One or more of the sanctions listed below may be imposed upon a finding of misconduct:

- A. Restitution: Respondent is held responsible for reimbursement for destruction of, damage to, theft of, or misappropriation or misuse of College property or personal property of others, or costs related to personal injury or loss. Restitution may not always be in monetary terms, but may take the form of service or work.
- B. Warning: Respondent receives official notice, in writing, of misconduct, together with the admonition that further misconduct may be cause for more severe disciplinary action.
- C. Disciplinary Probation: The respondent will receive official written notice of misconduct, with the additional admonition that further violation of the Code, within a stated period of time, not to exceed one calendar year, shall constitute reason for consideration of the most severe disciplinary action, namely suspension or expulsion. Disciplinary Probation may carry with it certain conditions or terms appropriate to the violation, such as suspension from participation in specific campus activities (e.g., athletics, extracurricular and social activities, programs or services provided by the College, employment within the College), restrictions on the entry and use of campus facilities, and prescribed conduct such as service or work to benefit the College community or participation in referral and assessment programs or services.

A student or student organization charged with a violation of the Code during a term of Disciplinary Probation will be subject to a disciplinary hearing before the Dean for Student Affairs or designee and will be charged with violation of Section 46.G. and 47.C. as well as charges that attend to the specific allegation of a violation(s) of the Code.

A student or student organization charged with a violation of a condition(s) of Disciplinary Probation will be subject to a disciplinary hearing before the Dean for Student Affairs or designee. The subject of the hearing will be limited to the issues surrounding whether or not the condition(s) of disciplinary probation has been met.

Students or student organizations denied access to specific grounds and facilities of the College as a result of disciplinary action who violate the terms of access may be subject to arrest for trespass and further disciplinary action.

- D. Suspension: The respondent's status as a student at the College, and all attendant privileges, is terminated for a specific period of time, not to exceed two calendar years. At the end of the specified period, the student may apply for readmission to the College. Conditions for application for readmission may be imposed by the hearing body/officer or readmitting officer.

Students or student organizations who enter the grounds and facilities of the College after access to the campus has been revoked as a result of a disciplinary hearing may be subject to arrest for trespass and further disciplinary action.

All students suspended from enrollment as a result of student disciplinary action must meet with the Dean of Students, or designee, prior to applying for academic reinstatement or readmission to the College.

- E. Expulsion: The respondent's status as a student at the College, and all attendant privileges, is terminated for an indefinite period of time. Conditions for readmission, if any, shall be stated in the written notice of expulsion.

Students or student organizations who enter the grounds and facilities of the College after access to the campus has been revoked as a result of a disciplinary hearing may be subject to arrest for trespass and further disciplinary action.

Academic disqualification may occur as a consequence of a disciplinary action, in which case, the student may contact his/her academic dean's office concerning College policies related to academic reinstatement.

A respondent who withdraws from Oswego State while a disciplinary action is pending is prohibited from access to College facilities and grounds and College-sponsored activities and events pending the outcome of said disciplinary action. Students may not be reinstated nor readmitted to the College until the disciplinary action is completed and related sanctions, if any, are satisfied, or terms of completion of the related sanctions are approved by the Dean for Student Affairs or designee.

45. Judicial Procedures

Any member of the College community may file charges against a student or student organization for alleged misconduct. The College will undertake, where feasible, an investigation. In instances where it is determined that charges should be brought against the student or student organization, certain procedures and standards will apply.

Students, as citizens, must abide by local, state, and federal laws. Consequently, a student who violates the law, whether on or off-campus, is subject to legal prosecution. In addition, a violation of the Code, whether on campus or off, will subject the student involved to College disciplinary action. Whether College disciplinary action precedes, is concurrent with, or follows legal prosecution depends upon whether the legal prosecution coincides with the process outlined in the Code. It has been well established by judicial rulings that the concurrence of legal prosecution and college disciplinary action does not constitute double jeopardy.

A. Filing Complaints

The complainant(s) shall submit in writing to the Assistant Dean of Students for Judicial Affairs, 503 Culkin Hall, a statement of the alleged violation(s), including the facts supporting such allegations and the provision(s) of the Code allegedly violated. General complaints shall be submitted within twenty (20) class days of the date of the incident(s) or within twenty (20) class days of the identification of a respondent to an administrative officer of the College, excluding days when the College is not in session. ***There is no time limitation on filing complaints regarding incidents that are alleged violations of 43.D.***

B. Notice of Charges

The Assistant Dean of Students for Judicial Affairs or designee shall then provide written notice to the accused student or student organization (respondent) of the complaint and charges presented (Statement of Charges). Failure to respond to the notice of the charges by the time designated in the notice letter shall result in the Assistant Dean of Students for Judicial Affairs scheduling a hearing without the benefit of the respondent's choice of hearing option.

C. Election of Hearing Forum

The following hearing forum options are available for College level hearings:

1. Hearing before the Student Conduct Committee, or a hearing before the Dean for Student Affairs or designee, when the Student Conduct Committee is not available.
2. Written waiver to the Assistant Dean of Students for Judicial Affairs of the right to any hearing. In the event that the respondent elects to waive the right to a hearing, evidence in support of the charges shall be presented to the Dean for Student Affairs or designee, and a decision will be made based upon a preponderance of evidence.
3. Written waiver to the Assistant Dean of Students for Judicial Affairs admitting to a violation of the Code as written in the Statement of Charges and requesting a meeting with the Dean for Student Affairs. In the event that the respondent elects to meet with the Dean for Student Affairs, waiving the right to a hearing and accepting responsibility for violating the Code, the Dean for Student Affairs will consider the nature and severity of the incident and determine an appropriate sanction. The Dean will discuss the incident with the complainant(s). The Dean will convene a meeting with the respondent(s), respondent(s)' advisor, and the Assistant Dean of Students for Judicial Affairs to provide an opportunity for the respondent(s) to address the incident.

D. Notification of a Hearing Date

The purpose of this section is to insure a prompt hearing of disciplinary charges which is in the best interest of the respondent and the College. The College retains the right to establish a hearing date and to alter the hearing calendar for cause, with notice.

If the respondent requests a hearing, a time shall be set for that hearing as soon as practicable, but not less than five (5) class days nor, whenever possible, more than ten (10) class days after the respondent's selection of a hearing option. The respondent will be notified in writing of the hearing time and place at least four (4) class days prior to the date of the hearing.

Alteration of the time limits may occur at the discretion of the Assistant Dean of Students for Judicial Affairs only when the parties can demonstrate good cause.

E. Conduct of Hearings

1. Hearings shall be closed unless the complainant, respondent, and witnesses provide written consent in advance to open the hearing. If all parties consent to open the hearing, it shall be open only to members of the College community, that is students, faculty,

- and staff. A member of the staff of the Dean for Student Affairs may be present during all hearings. Interested parties such as members of the District Attorney's staff, media, either student or non-College affiliated, shall only be admitted to the hearing by the Code Administrator if all parties -complainant, respondent, and witnesses- consent in writing.
2. Hearings shall be conducted in such a manner as to do substantial justice according to the hearing agenda provided by the Assistant Dean of Students for Judicial Affairs. Evidence in support of the charges, including statements of witnesses and documents, shall be presented by the complainant. Evidence which is relevant and material may be introduced by either party. Hearings shall proceed in a manner which permits the respondent and complainant to present evidence, witnesses and statements on their own behalf. Witnesses are subject to cross questioning by the other party and the judicial body/officer. The technical requirements of court procedure, especially as they relate to the admissibility of evidence, need not be followed. Judicial bodies may hear or receive any testimony or evidence which is relevant and material to the issues presented in the Statement of Charges. Questions concerning the appropriateness of evidence shall be addressed to the Assistant Dean of Students for Judicial Affairs or designee who will decide whether the evidence is admissible.
 3. The respondent and complainant may be assisted by an advisor of their choice. The respondent and complainant may present witnesses and may produce other evidence for consideration by the judicial body. The respondent and complainant are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee, respondent or complainant, during the proceeding. Either party may request a brief recess to consult with their advisor which will be granted at the discretion of the Assistant Dean of Students for Judicial Affairs or designee. Advisors for the respondent and complainant may not present evidence or cross-question witnesses. Advisors may speak for the respondent or complainant only at the summary point of the hearing agenda.
 4. Judicial hearing bodies/officer(s) shall determine that a preponderance of evidence exists - whether it is "more likely than not" that the violation occurred. If the evidence presented meets this standard, then the respondent must be found responsible. No recommendation for the imposition of sanctions may be based solely upon the failure of the respondent to answer the charges or to appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered.
 5. Normally, five (5) members (three students, one faculty, one administrator) of the Student Conduct Committee will comprise the judicial body for any hearing. Three (3) members (one student, one faculty, one administrator) of the Committee will constitute a quorum for the hearing of charges and the transaction of business. A simple majority of the Student Conduct Committee members present for a hearing shall be sufficient for a finding of fault and the imposition of a sanction. In the case of a Peer Judicial Board hearing, the finding of fault and the imposition of a sanction shall require a simple majority of the Board members present. In the case of an individual hearing officer, the hearing officer will determine fault and impose a sanction.
 6. The Assistant Dean of Students for Judicial Affairs may adopt additional procedures for the conduct of hearings which do not contravene these procedures.
- F. Notification of Findings
- Within five (5) class days after the adjournment of the hearing, the judicial hearing body shall submit written findings of fact, conclusions regarding the charge(s), and imposition of a sanction, if any, to the respondent and any College official who is determined by the Assistant Dean of Students for Judicial Affairs to have a legitimate interest in the result. In the case of sexual misconduct (Section 43.D.) and violations involving physical violence, notice of findings and sanctions imposed shall also be received by the complainant.

Documentation concerning any prior violation(s) of the Code by the respondent may be presented by the Assistant Dean of Students for Judicial Affairs to the judicial body/officer only after a finding of fault has been reached.

G. Appeals Process

Appeals from the decision of a College level judicial body/officer (i.e., Student Conduct Committee or Dean's level hearing) shall be directed in writing by the respondent to the President of the College or designee of within five (5) class days of the respondent's receipt of the written decision. The President shall review the decision on the basis of consideration of due process requirements, sufficient or new evidence, and appropriateness of the sanction, and shall provide the respondent and the Assistant Dean of Students for Judicial Affairs with a written explanation of any modification of the decision. This appeal is final within the campus judicial system.

Appeals from the decision of a departmental hearing body/officer shall be directed to the Assistant Dean of Students for Judicial Affairs in writing by the respondent within five (5) class days of the respondent's receipt of the written decision. The Administrative Appeals Board shall review the decision on the basis of consideration of due process requirements, sufficient evidence, and appropriateness of the sanction, and shall provide the Assistant Dean of Students for Judicial Affairs with written explanation of any modification of the decision. This appeal is final within the campus judicial system.

46. Judicial Procedures for Allegations of Sexual Discrimination, Assault and Violence

In general, the procedures listed in section 45 of this code will be followed with some notable differences specific to cases of sexual discrimination as listed here:

Burden of Proof

The burden of proof in all cases is "the preponderance of the evidence" - whether it is "more likely than not" that the sexual discrimination, assault or violence occurred. If the evidence presented meets this standard, then the respondent must be found responsible.

Alternative Arrangements

The complainant may request alternative arrangements where the complainant does not want to be in the same room as the accused during the hearing. Alternative arrangements must enable both parties and the hearing panel to hear each other concurrently.

Equitable processes

Any rights or processes offered to a respondent are also offered to a complainant including, but not limited to, a prehearing meeting with the Code Administrator to explain the process and establish the setting, the right to present evidence and call witnesses, the right to an advisor. The complainant and the respondent will not directly question or cross examine each other. Each will submit questions to the hearing body or hearing officer which will be responsible for asking the questions. In addition, the Assistant Dean of Students for Judicial Affairs will provide an approximation of an expected timeline referencing the steps in the judicial process and will notify each party of said timeline and timely notice of changes to the timeline, if any, for extenuating circumstances.

Retaliation

Retaliation against a person who files a Title IX complaint, serves as a witness, or assists or participates in any manner is strictly prohibited and will result in disciplinary action related to 43.C (8). Participants who experience retaliation should report the incident to the Assistant Dean of Students for Judicial Affairs.

Notice of Outcome

The complainant and respondent will be notified concurrently in writing of the outcome of the hearing and appeal process within five class days after the hearing.

Appeal Process

Either party may request an appeal within 5 class days of the hearing for the following reasons: 1. a procedural defect in the process that had a significant effect on the outcome; and/or 2. the discovery of new information that was unknown or unavailable at the time of the hearing and would have a significant effect on the outcome. Appeals should be directed in writing to the President of the College within five (5) class days of receipt of the outcome. If an appeal is requested by one party, 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 5 class days of receipt of the notice of the appeal. This appeal is final.

Please note: Text in **Bold Italics** is pending approval by College Council in September 2011.

47. Judicial Hearing Bodies

A. Student Conduct Committee

1. The Student Conduct Committee shall be constituted as follows:
 - Students - six (6) student members, three of whom are assigned to each hearing as available, selected by the President of the Student Association within thirty (30) days of the beginning of his/her term of office. Vacancies must be filled within thirty (30) days. Representation of underclass students is encouraged to insure continuity.
 - Faculty - three (3) members of the voting faculty, one of whom is assigned to each hearing as available, selected for two-year terms by the Chair of the Faculty Assembly within thirty (30) days of the request for appointments. Vacancies must be filled within thirty (30) days.
 - Administration - three (3) members of the administrative staff, one of whom is assigned to each hearing as available, selected by the President for two-year terms.
2. Five (5) members (three students, one faculty, one administrator) of the Student Conduct Committee will comprise the judicial body for any hearing, whenever possible. Three (3) members (one student, one faculty, one administrator) of the Committee will constitute a quorum for the hearing of charges and the transaction of business. The Student Conduct Committee may impose sanctions up to and including expulsion from the College.
3. Meetings of the Student Conduct Committee will be coordinated by the Assistant Dean of Students for Judicial Affairs for hearings and for organizational and educational purposes.

- B. The Dean for Student Affairs or designee may impose sanctions up to and including expulsion from the College. The Assistant Dean for Judicial Affairs or designee shall act as coordinator and Code Administrator for such hearings.

C. Peer Judicial Board

1. The Peer Judicial Board is constituted for the purpose of providing peer review of disciplinary charges which are determined by the Assistant Dean of Students for Judicial Affairs to be inappropriate for a College level hearing.
2. The Peer Judicial Board shall be constituted as follows:
 - Fifteen (15) student members selected by the Assistant Dean of Students for Judicial Affairs. Attention in selection shall be given to forming a membership that is inclusive of the diversity of the population served.
 - Student members must be in good academic standing with the College prior to and during their term of office and cannot be concurrently subject to a disciplinary sanction or subject to a disciplinary hearing.

3. Five (5) students of the Peer Judicial Board will comprise a judicial body for a hearing. The Peer Judicial Board may impose sanctions up to and including disciplinary probation and may design sanctions that are educational and/or remedial, related to the facts of a given case.
4. Meetings of the Peer Judicial Board may be called by the Assistant Dean of Students for Judicial Affairs for hearings and for organizational and educational purposes.

D. Disciplinary Conference

A disciplinary conference occurs when a student or student organization accepts responsibility for the alleged violation(s) and an appropriate sanction is negotiated. Once a resolution is reached, the decision is final unless the student or student organization provides a written request for a hearing to the Assistant Dean of Students for Judicial Affairs within 5 class days from the date of the disciplinary conference. Department level (i.e., Residence Life and Housing) judicial officers may impose sanctions up to and including disciplinary probation and may design sanctions that are educational and/or remedial, specific to the facts of a given case.

E. Other Hearing Bodies

Other hearing bodies as may be established from time to time. Proposals to establish hearing bodies must be submitted in writing to the Assistant Dean of Students for Judicial Affairs and are subject to the approval of the Judicial Advisory Panel, with final approval by the President of the College.

48. Assistant Dean of Students for Judicial Affairs

The Assistant Dean of Students for Judicial Affairs or designee shall serve as the administrator of the Code and thereby, shall coordinate disciplinary hearings, including: establishing procedural rules, scheduling of hearings, keeping records of hearings, overseeing selection, training, and designation of judicial bodies, providing hearing notices and procedures in accordance with due process, and coordinating judicial correspondence. The Code Administrator shall provide for procedures that are consistent with due process. The Assistant Dean of Students for Judicial Affairs may provide complainants and respondents with information related to mediation processes which may be available to resolve some disputes.

49. Disciplinary Suspensions or Expulsions and Transcript Notation

- A. Generally, disciplinary actions are not noted on academic transcripts. However, if a student is suspended or expelled as a result of a disciplinary action, he or she will have an “NG” notation in the place of a grade on every course for which he or she is registered in the semester of the effective date of the suspension or expulsion. The credits attempted for that semester will be included in the total number of credits attempted. The “NG” notation will become a permanent part of the student’s academic record (transcript). Students with “NG” notations must have the approval of the Dean for Student Affairs before they can apply for readmission to the College. If the student is readmitted to the College, the courses with “NG” notation can be repeated. The “NG” notation, however, will remain on the academic transcript.
- B. Conduct that leads to death or serious physical injury of another person, including, but not limited to, hazing, physical abuse or sexual assault, shall result in a permanent transcript notation of suspension or expulsion from the College. The permanent transcript notation will read: “Suspension or expulsion for non-academic discipline” and will identify the period of time for which the suspension or expulsion was imposed.

The Judicial System

“CHALLENGING THE CAMPUS COMMUNITY TO ACHIEVE CIVILITY, INTEGRITY AND SOCIAL JUSTICE”

SUNY Oswego has set forth rules of conduct and policies designed to promote a safe and healthy community, conducive to educational pursuits, individual growth and harmonious living. These disciplinary procedures were developed to address allegations of student misconduct with an educational spirit in mind and the unique needs of an intensive learning environment conducive to student success.

As members of the College community, students, faculty and staff are expected to exercise their own rights and assume responsibility for their actions. Similarly, members of the College and visitors to the College will not to deny or infringe upon the rights of other people to personal safety and intellectual development.

The College:

- encourages students to exercise basic freedoms and rights (free speech; assembly; political beliefs; press); and
- provides the means to resolve conflicts and address student conduct when problems arise through a system of due process.

The mission of the Office of Judicial Affairs is to foster the continual development of an educationally purposeful community and advance the College's student disciplinary due process systems. The Office of Judicial Affairs:

- expects each member of the College community to act with the highest levels of civility, integrity and self-discipline;
- educates the College community about the acceptable standards of conduct in a diverse learning environment;
- challenges students to embrace conflict as an opportunity to achieve cooperative and non-violent resolutions;
- initiates educational activities that build self-esteem, instill motivation to attain goals, and develop effective communication skills to prevent violations of campus regulations.

The Office of Judicial Affairs assists students in:

- gaining a clearer understanding of the educational purpose and mission of the College;
- taking responsibility for their actions and choices;
- being accountable to self and the community;
- promoting community and citizenship;
- maintaining a safe and healthy environment for self and others.

Judicial Advisory Panel

The Judicial Advisory Panel monitors, evaluates and recommends updates to the campus judicial procedures. The panel members are appointed by the President of the College and consist of:

- One Student – Recommended by the Student Association President
- One Faculty – Recommended by the Faculty Assembly Chairperson
- One Administrative Officer – Appointed by the President
- One Student Affairs Officer (ex officio) - Appointed by the Dean for Student Affairs

The panel may establish appropriate functional committees to assist in administering the judicial process and may authorize, evaluate, and disband other judicial bodies as may be deemed appropriate. The panel coordinates the work of different avenues of conflict resolution on campus where students are a primary focus.

Judicial Board of Advisors

In the College judicial system, students have the right to have an advisor present at judicial proceedings whether they are the complainant or the respondent in the hearing. Generally, the role of the judicial advisor is to help the respondent or complainant organize an approach to a judicial hearing or a mediation or appeal, and to lend support, attend the proceeding, and provide follow-up services if needed. You can ask anyone to be an advisor (for example, a friend, faculty or staff member, lawyer, or family member). If you have no one to be your advisor, you may call 312-3378 to request the names and phone numbers of available judicial advisors from the Office of Judicial Affairs.

A student should contact a judicial advisor if he/she is accused of violating the Code, or if he/she believes that another member of the campus community has violated the Code and this misconduct has had a negative impact on her/him. A student is expected to take the initiative in arranging meetings with the advisor and be punctual in attending those meetings. The advisor will expect the student to accurately outline the incident and contact witnesses to the incident. Students are also expected to take responsibility to prepare for the hearing with suggestions from the advisor. After the judicial proceeding, it is the student's responsibility to contact the advisor for further support or to ask other questions, or in the event of an appeal, to ask for assistance from the advisor in preparing a written appeal of the results of the judicial proceeding.

Administrative Appeals Board

The Administrative Appeals Board shall develop fair and equitable procedures for appeal requests which may include receiving all relevant materials and information on which the decision was based, written statements of the process followed, and direct testimony from the parties involved.

- Composition of the Administrative Appeals Board:
- 1 Student – Recommended by the Student Association President
 - 1 Faculty – Recommended by the Faculty Assembly Chairperson
 - 1 Administrator – Appointed by the President

The Administrative Appeals Board is appointed by the President on an annual basis.

Regulations and Procedures for Maintaining Public Order on Campuses of the State University of New York

The State University of New York Board of Trustees' Regulations for Public Order are uniformly applicable to all State-operated campuses. In the case of student misconduct which allegedly violates both the Regulations and the Code, the judicial process incorporated in the Code will normally be used in determining alleged violations. These two codes are complementary documents, but only one enforcement procedure can be used.

Members of the College community, including student organizations, are responsible to insure that their guests who visit the campus are made aware of expectations for their conduct. Members of the College, their guests, alumni, and other visitors are subject to the Regulations and Procedures for Maintaining Public Order on Campuses of the State University of New York (hereafter referred to as the Regulations for Public Order.) Both guests (visitors through specific invitation by a member of the College community) and visitors (who are not here through specific invitation by a member of the College community), faculty or staff of the College, are expected to comply with the *Regulations and Procedures for Maintaining Public Order on Campuses of the State University of New York* in this handbook and College policies in procedures in this handbook.

The Dean of Student Affairs, in consultation with the Chief of University Police, may revoke, on behalf of the President of the College, privileges extended to guests and visitors, to enter the campus grounds or facilities as a result of conduct by a guest or visitor that violates the *Regulations and Procedures for Maintaining Public Order on Campuses*, local, state or federal laws, and college policies on the campus grounds, adjacent roadways, or in campus facilities.

Visitors who desire to use the facilities to address a student audience should register with the Department of Campus Life and follow all procedures pertaining thereto.

§ 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 April 9, 1970, as required by that section. Said rules shall be subject to amendment or revisions, and any amendments or revisions thereof shall be filed with the Commissioner of Education and the Board of Regents within ten days after adoption. Nothing herein is intended, nor shall it be construed, to limit or restrict the freedom of speech nor peaceful assembly. Free inquiry and free expression are indispensable to the objectives of a higher educational institution. Similarly, experience has demonstrated that the traditional autonomy of the educational institution (and the accompanying institutional responsibility for the maintenance of order) is best suited to achieve these objectives. These rules shall not be construed to prevent or limit communication between and among faculty, students, and administration, or to relieve the institution of its special responsibility for self-regulation in the preservation of public order. Their purpose is not to prevent or restrain controversy and dissent, but to prevent abuse of the rights of others and to maintain that public order appropriate to a college or university campus without which there can be no intellectual freedom, and they shall be interpreted and applied to that end.

§ 2. Application of Rules

These rules shall apply to all State-operated institutions of the State University. 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 the Board of Regents, but only to the extent that such additional rules are not inconsistent herewith. The rules hereby adopted shall govern the conduct of students, faculty and other staff, licensees, invitees, and all other persons, whether or not 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 the charges against any student for violation of these rules upon the premises of any such institution other than the one at which he/she is in attendance shall be heard and determined at the institution in which he/she is enrolled as a student.

§ 3. Prohibited Conduct

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

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

§ 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/her views nor for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations in public areas of grounds and buildings 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.

§ 5. Penalties

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

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

§ 6. Procedure

- (a) The chief administrative officer or his/her 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/her license or invitation is withdrawn and shall direct him/her to leave the campus or other property of the institution. In the event of his/her failure or refusal to do so, such officer shall cause his/her ejection from such campus or property.
- (b) In the case of any other violator, who is neither a student nor faculty nor other staff member, the chief administrative officer or his/her designee shall inform him/her that he/she is not authorized to remain on the campus or other property of the institution, and direct him/her to leave such premises. In the event of his/her failure or refusal to do so, such officer shall cause his/her 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/her liability to prosecution for trespass or loitering, as prescribed in the Penal Law.
- (c) In the case of a student, charges for violation of any of these rules (or the rules of any individual institution supplementing or implementing these rules) shall be presented and shall be heard and determined in the manner hereinafter provided in Section 9 of this Part.
- (d) In the case of a faculty member having a continuing or term appointment, charges of misconduct in violation of any of these rules (or the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined in accordance with title D of Part 338 of the policies of the Board of Trustees.
- (e) In the case of any staff member who holds a position in the classified civil service, described in Section 75 of the Civil Service Law, charges of misconduct in violation of any of these rules (or 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.

§ 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 he/she shall designate the other administrative officers who are authorized to take action in accordance with such rules when required or as 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/her 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/her designees shall cause the ejection of the violator from the premises which he/she occupies in such violation and shall initiate disciplinary action as herein before provided.
- (d) The chief administrative officer or his/her designee may apply to the public authorities for any aid which he/she 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/she may request the State University for an injunction to restrain the violation or threatened violation of such rules.

§ 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.

§ 9. Notice, Hearing and Determination of Charges Against Students

- (a) The term, "chief administrative officer," as used in these rules, shall be deemed to mean and include any person authorized to exercise the powers of that office during a vacancy therein or during the absence or disability of this incumbent.
- (b) Whenever a complaint is made to the chief administrative officer of any State-operated institution of the University of a violation by a student or students of the rules prescribed in this Part (or of any rules adopted by an individual institution supplementing or implementing such rules), or whenever he/she has knowledge that such a violation may have occurred, he/she shall cause an investigation to be made and the statements of the complainants, if any, and of other persons having knowledge of the facts, reduce to writing. If he/she is satisfied from such investigation and statements that there is reasonable ground to believe that there has been such a violation, he/she 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/her 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/her or their usual place or places of abode while attending college and also to his/her or their home address or addresses, if different.
- (d) The notice of charges so served shall fix a date for hearing thereon not less than ten or more than fifteen 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 paragraph (c), of its proposed findings and recommendations to be submitted to the chief administrative officer and shall so submit such findings and recommendations ten days thereafter unless the student has meanwhile shown good cause for his/her 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/her 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 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, pending the hearing and determination thereof, whenever, in his/her judgment, the continued presence of such student would constitute a clear danger to him/herself or to the safety of person 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 member shall serve until his/her successor or replacement has been designated. No member of the committee shall serve in any case where he/she is a 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 alternate member of the faculty, and his/her 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.
- (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 issue 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/her choice. He/She may confront and examine witnesses against him/her and may produce witnesses and documentary evidence in his/her own behalf. There may be present at the hearing: the student charged and his/her 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 twenty days after the close of the hearing, the Hearing Committee shall submit a report of its findings of fact and its 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/her representative. Within ten days thereafter, the chief

administrative officer shall make his/her 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/she shall reject the findings of the Hearing Committee in whole or in part, he/she shall make new findings, which must be based on substantial evidence in the record and shall include them in the notice of his/her final determination, which shall be served upon the student or students with respect to whom it is made.

Bill of Rights and Responsibilities for Faculty, Students, Administrators, Staff and College Council at Oswego

The **Bill of Rights and Responsibilities** originated with the Student Affairs Council of the Faculty Assembly which adopted the document on February 7, 1972, following adoption by the Student Association Senate in the spring of 1971. The College Council endorsed the Bill in the spring of 1972. The **Bill of Rights** differs from the **Code of Student Rights, Responsibility and Conduct** in the fact that it applies to **all** members of the College community.

Members of the campus community have an obligation to fulfill the responsibilities incumbent upon all members of society, as well as the responsibilities of their particular roles within the academic community. All members share the obligation to respect:

- The fundamental rights of others.
- The rights of others within the educational process.
- The rights of the institution.
- The rights of members to fair and equitable procedures for determining when and upon whom penalties for violation of campus regulations should be imposed.

Fundamental Rights of Others

Members of the campus community enjoy the same basic rights and are bound by the same responsibilities to respect the rights of others, as are all members of society.

Among the basic rights are freedom of speech, freedom of press, freedom of peaceful assembly and association, freedom of political beliefs, and freedom from personal force and violence, threats of violence, and malicious personal abuse.

Freedom of press implies the right to freedom from censorship in campus newspapers and other media, and the concomitant obligation to adhere to the canons of responsible journalism.

It should be made clear in writings or broadcasts that editorial opinions are not necessarily those of the institution or its members.

The campus is not a sanctuary from the law.

The campus community, while having an active concern for the welfare of its student members does not stand **in loco parentis**.

Each member of the campus has the right to organize his or her personal life and behavior, so long as it does not violate the law or agreements voluntarily entered into, and does not interfere with rights of others or the educational process.

Admission to, employment by, and promotion within the campus shall be in accord with the provisions regarding discrimination in the law.

Rights of Others within the Educational Process

All members of the campus have other responsibilities and rights based upon the nature of the educational process and requirements of the search for truth and its free presentation. These rights and responsibilities include:

1. Obligation to respect the freedom to teach, to learn, and to conduct research and publish findings in the spirit of free inquiry. No research, the results of which are secret (except under conditions of national emergency), is to be conducted on the campus.
2. Institutional censorship and individual or group suppression, active or threatened, of the opinions of others are inconsistent with this freedom.
3. Academic freedom implies that the teacher has the right to determine the specific content of his/her course, within the established course definition, and the responsibility not to depart significantly from his/her area of competence or to divert significant time to material extraneous to the subject matter of his/her course.
4. Obligation not to interfere with the freedom of members of the campus to pursue normal academic and administrative activities, including freedom of movement.
5. Obligation not to infringe upon the right of all members of the campus to privacy in offices, laboratories, and dormitory rooms and in the keeping of personal papers, confidential records, and effects, subject only to the law and to conditions voluntarily entered into.
6. Campus records on its members shall contain only information which is reasonably related to the educational purposes or safety of the campus.
7. Obligation not to interfere with any member's freedom to hear and to study unpopular and controversial views on the intellectual and public issues (subject only to the requirement for the use of institutional facilities).
8. Right to identify oneself as a member of the campus community and a concurrent obligation not to speak or act on behalf of the institution without authorization.
9. Right to hold public meetings in which members participate, to post notices, subject only to the requirements for the use of institutional facilities, and to engage in peaceful, orderly demonstrations.
10. Reasonable and impartially applied rules, designed to reflect the educational purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities.
11. Right to recourse (under this bill of rights) if another member of the campus is negligent or irresponsible in performance of his/her responsibilities, or if another member of the campus represents the work of others as his or her own.
12. Right to be heard and considered at appropriate levels of the decision-making process about the basic policy matters of direct concern when the levels are within jurisdiction of this bill.

Members of the campus who have a continuing association with the institution and who have substantial authority and security have an especially strong obligation to maintain an environment conducive to respect for the rights of others and fulfillment of academic responsibilities. Tenured faculty are expected to maintain the highest standards in performance of their academic responsibilities.

Rights of the Institution

The institution, and any division or agency which exercises direct or delegated authority for the institution, has rights and responsibilities of its own. The rights and responsibilities of the institution include:

1. Right and obligation to provide an open forum for members of the campus to present and debate public issues.
2. Right to prohibit individuals and groups who are not members of the campus from using its name, its finances, and its physical and operating facilities for commercial or political activities.
3. Right to prohibit members of the campus community from using its name, its finances, and its physical and operating facilities for commercial activities.
4. Right and obligation to provide for members of the campus community, the use of meeting rooms under College regulations, including use by political clubs when such meetings are for educational purposes. There is a concomitant right and obligation to prohibit use of its rooms by individual members or groups on a regular or prolonged basis as free headquarters for political campaigns, and to prohibit use of its name, its finances and its equipment and supplies for any political purposes at any time.
5. Right and obligation to preserve law and order on campus, that is, to protect the members of the campus and visitors to it from physical harm, threats of harm, or abuse; its property from damage and unauthorized use; and its academic and administrative processes from interruption.
6. Right to require that persons on the campus produce appropriate identification, and state what connection, if any, they have with the campus.
7. Right to set reasonable standards of conduct in order to safeguard the educational process and to provide for the safety of members of the campus and the institution's property.

Members of the campus community who choose to strike bear the responsibility of accepting penalties that may be levied in accordance with the law.

Rights of Members to Fair and Equitable Procedures

All members of the campus have a right to fair and equitable procedures which shall determine the validity of charges of violation of campus regulations.

The procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges, based on substantive evidence, to provide fundamental fairness to the parties and to be an effective instrument for the maintenance of order.

All members of the campus have a right to know in advance the range of penalties for violations of campus regulations. Definition of adequate cause for separation from the campus should be clearly formulated and made public.

Charges for minor infractions of regulations, penalized by small fines or reprimands which do not become part of permanent records, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal.

In the case of charges of infractions of regulations which may lead to notation in permanent records, or to more serious penalties such as suspension or expulsion, members of the campus have a right to formal procedures with adequate due process, including the right of appeal if the decision was not in accord with the standards of fundamental fairness.

Members of the campus charged or convicted of violations under law may be subject to campus sanctions for the same conduct, in accord with campus policies and procedures, when the conduct is in violation of a reasonable campus rule essential for the continuing protection of other members of the campus or for the safeguarding of the educational process.