

SUNY OSWEGO
Student Code of Rights,
Responsibilities, and Conduct
2019-2020

2019-2020 Student Code of Students Rights, Responsibilities and Conduct

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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 is required 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 Students 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, "student conduct body" or "student conduct officer", means any person or persons authorized by the Director of Student Conduct 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, "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.
- k. 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.
- l. 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.
- m. 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.
- n. The term, "Student Association", means the student organization that the College has designated as having responsibility for the disbursement of the Student Activity Fee.
- o. 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.
- p. The term, "shall", is used in the imperative sense.
- q. The term, "may", is used in the permissive sense.
- r. All other terms have their natural meaning unless the context dictates otherwise.

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. Extracurricular 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 State 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 SUNY Oswego. 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 Organizations: Policy and 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:
 - i. Submission of a list of officers and copies of the organizational constitution and bylaws to the appropriate Student Association official or body. All changes and amendments shall be submitted in writing within one week after they become effective.
 - ii. 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.
 - iii. 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 SUNY Oswego". 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 Promotional Materials 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. FERPA information - The Family Educational Rights and Privacy Act of 1974 (FERPA), also known as the "Buckley Amendment", is a federal law regarding the privacy of student records and the obligations of the institution, primarily in the areas of release of the records and the access provided to these records. Any educational institution that receives funds under any program administered by the U.S. Secretary of Education is bound by FERPA requirements.

Under federal law, eligible students have:

- The right to inspect and review the student's education records.
- The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

- The right to provide written consent before personally identifiable information (PII) from the student's education records can be disclosed, except to the extent that FERPA authorizes disclosure without consent.
 - The right to file a complaint with the U.S. Department of Education concerning alleged failures by postsecondary institutions to comply with the requirements of FERPA.
 - While FERPA guarantees eligible student access to their education records, all such records are the property of the University.
33. Eligible Students – Eligible Students include all students in attendance at a postsecondary institution (regardless of age). FERPA rights are effective the first day of classes of student's initial registration. FERPA applies to all students past and present. The education records of individuals who applied to but have not attended an institution are not subject to FERPA guidelines.
34. Education Records – Under FERPA, education records are defined as records that are directly related to a student and are maintained by an education agency or institution or by a party acting for the agency or institution. Education records can exist in any medium, including: typed, computer generated, videotape, audiotape, film, microfiche and email, among others.

Education records do not include such things as:

- Records of instructional, supervisory and administrative personnel which are in the sole possession of the maker thereof, and which are not accessible to other persons.
- Information obtained through personal knowledge that is not recorded.
- Employment records (unless employment is contingent upon attendance; e.g. work study, graduate assistants).
- Records created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional which 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.
- Records and documents of a law enforcement unit, including those of the Department of University Police, except those available under the Freedom of Information Act.
- Financial records of student's parents.
- Alumni records.

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 his/her right to access, provided these letters are used only for the purposes for which they are intended.)

DIRECTORY INFORMATION

35. Institutions may disclose "directory information" about a student without violating FERPA. At Oswego, directory information is defined as:
- Student's Name
 - Address (including e-mail address)
 - Telephone Number
 - Age

- Photographs
- Major field of study
- Class Year (freshman, sophomore, etc.)
- Dates of Attendance
- Degrees, honors, and awards received
- Expected date of graduation
- Enrollment status (Full/Part-time)
- Participation in officially recognized University activities and sports, including height and weight of student-athletes
- All other portions of student educational record (e.g. grades, GPA, class schedule, gender, ethnicity, etc.) are considered "non-directory".
- Directory information may be made public unless the student requests, in writing, to the Registrar, that such information be released only upon his/her consent.

ACCESS TO EDUCATIONAL RECORDS

36. Student Education records may be accessed by:

- The student (or outside parties specified and authorized by the student)
- School Officials with legitimate educational interest
- Persons in response to a lawfully executed subpoena or court order. SUNY Oswego will make a reasonable attempt to notify the student prior to release, normally complying with the subpoena after two weeks have elapsed from the day of notifying the student.

SCHOOL OFFICIALS

37. Members of the institution who act in the student's educational interest within the limitations of their "need to know." These may include faculty, administrators, campus law enforcement staff, SUNY System Administration staff, clerical and professional employees and other persons who manage student education record information including student employees or agents. It may also include contractors, volunteers and others performing institutional functions.

LEGITIMATE EDUCATIONAL INTEREST

38. A school official has a legitimate educational interest if the official requires the information in order to fulfill his or her professional responsibilities for the school.

39. Under FERPA, student consent for disclosure is not needed when the disclosure is (one or more of the following):

- Releasing directory information.
- In a health or safety emergency.
- To school officials who have a legitimate educational interest.
- In connection with financial aid; this includes Veterans' benefits.
- To officials of other schools in which the student seeks to enroll or is enrolled.
- To accrediting organizations.
- To comply with a judicial order or subpoena.
- To organizations conducting studies for or on behalf of educational institutions.

- To federal, state and local authorities involving an audit or evaluation of compliance with educational programs.
- In response to requests submitted under the Solomon Amendment.
- Releasing the results of a disciplinary hearing to an alleged victim of a crime of violence (as mandated by the Clery Act).
- To parents or legal guardians of students who are under the age of 21 and who have been found in violation of University disciplinary policies (Code of Student Rights, Responsibilities and Conduct) with respect to any violation of any Federal, State, or local law, or of any rule or policy of the institution governing the use or possession of alcohol or a controlled substance.
- When the disclosure concerns a registered sex offender, including a student, and is information received under a community notification program under 42 USC § 14071.

OVERVIEW OF THE STUDENT CONDUCT PROCESS POLICIES AND PROCEDURES

This overview gives a general idea of how the College's student conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority.

The student conduct process and all applicable timelines commence with notice to an administrator of a potential violation of the Student Code of Conduct. The student conduct system uses Preponderance of Evidence as a standard of proof. A preponderance of evidence standard evaluates whether it is "more likely than not" that a violation occurred. SUNY Oswego email is the official means of communication between The Office of Student Conduct or designated student conduct officials to students on all matters pertaining to the student conduct system.

AUTHORITY

The authority for resolving disputes under the Code of Student Rights, Responsibilities and Conduct is vested in the College President and designated to student conduct hearing bodies enumerated in this Code. This 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.

Students or student organizations may petition to the Dean of Students for assistance in resolving conflict on issues that are not before any student conduct body and where no statement of charges alleging violation of the Code of Student Rights, Responsibilities and Conduct has been filed.

STUDENT CONDUCT POLICIES

College discipline shall be applied to conduct by a student or student organization occurring on College premises, activities off campus, or at College sponsored programs off campus. College sponsored programs by a student or student organization 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 intercollegiate 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:

1. Interferes with or is disruptive to the learning environment, College process or activities, and/or educational interests and mission of the College, or
2. Endangers the health or personal safety of a member(s) of the College community, or
3. Harms, intimidates, or threatens another member(s) of the College community.

Within the parameters stated above, the following conduct is subject to disciplinary action:

Intellectual Integrity Statement: At SUNY Oswego, we are committed to maintaining rigorous intellectual standards and the highest level of academic integrity. As leaders and role models, faculty and professional staff must adhere to the highest standards of intellectual integrity in scholarship and professional practice. The College endeavors to foster an environment in which students adhere to these same standards that will extend beyond their time at SUNY Oswego.

- A. **Intellectual Dishonesty** – Any act that is designed to obtain fraudulently, either for oneself or for someone else, academic credit, grades, or other recognition that is not properly earned or that adversely affects another's grade or misrepresents one's academic status. Intellectual Dishonesty, including but not limited to:
 1. **Cheating**– An attempt to use unfair means to gain an advantage during an examination or on an assignment which gives the appearance of having the knowledge or a skill that a student has not actually obtained.
 2. **Plagiarism**– The practice of deliberately or inadvertently taking someone else's work or ideas, in part or in full, and passing them off as one's own. In some cases, plagiarism may also involve copyright violations.
 3. **Unauthorized Collaboration**– Collaboration on projects, papers, programs or other academic assignments that have been prohibited by the instructor.
 4. **Fabrication or Falsification**– A form of intellectual dishonesty in which a student invents or distorts the origin or content of information cited.
 5. **Copyright Violation**– Use of media in websites, blog posts, videos, papers, etc. without securing permission (usually in the form of a license) for the specific use or when the use does not fall under the "fair use" clause of copyright law.
 6. **Facilitating Intellectual Dishonesty**– Assisting another to commit an act of academic dishonesty, such as paying or bribing someone to acquire a test or assignment, completing academic assignments or taking an examination for another student, or allowing someone to do these things for one's own benefit.
 7. **Multiple or Subsequent Violations**– A violation on more than one academic exercise (whether those infractions occurred during the same or different periods of time or in the same or different courses),

regards the offenses as an especially serious subversion of the Intellectual Integrity Policy and the College's educational mission.

B. **Misrepresentation**, including but not limited to:

1. Knowingly or willfully providing false information or statements to the College or college official.
2. Forgery, alteration or unauthorized use of institutional documents with intent to defraud.
3. *Withholding information, including failing to disclose records of convictions or disciplinary actions, on applications after admission to the College.
4. Purchasing, possession or use of false identification in any form.
5. Acts 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.
6. Abuse or interference with, or failure to comply in, College processes including conduct and academic integrity hearings.

*State University of New York (University or SUNY) policy prohibits SUNY Oswego from inquiring into an applicant's prior criminal history. After a student has been accepted for admission, if such student seeks campus housing, or seeks to participate in clinical or field experiences, internships or study abroad programs, campuses shall inquire if the student has a prior felony conviction. (See full Move the Box Policy, Guidelines and Procedures: <https://www.oswego.edu/policies/move-box-policy>)

C. **Acts of Violence**, including but not limited to:

1. Harassment, intimidation, bullying (including cyberbullying) or coercion toward an individual or group of individuals, that is severe, pervasive, or persistent.
2. Creating a hostile environment toward any individual or group of individuals.
3. Inciting violence, targeted toward an individual or group of individuals.
4. Physical abuse, assault and/or battery to any individual or group of individuals.
5. Verbal or written threat toward any individual or group of individuals causing harm or reasonable apprehension of harm or invasion of privacy.
6. Creation of or participating in a condition or situation that endangers the mental or physical wellbeing of self or others.

7. Conduct which inhibits the peace or safety of members of the College community.
8. Retaliation, harassment or coercion of parties, including witnesses, participating in student conduct actions or proceedings.

D. **Disruptive or Disorderly Behavior**, including but not limited to:

1. Disruption of administration, disciplinary processes, or other college activities.
2. Disruption or obstruction of teaching, learning or research.
3. Disruption to the campus community including, but not limited to, excessive or unreasonable noise, excessively large parties, throwing of projectiles, or rude and abusive language or behavior.
4. Lewd, indecent or obscene behavior including public urination or defecation.

E. **Sexual Misconduct**– All forms of unwanted actual or attempted sexual activity encompassing non-consensual sexual behavior, including sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation. Sexual Misconduct including Sexual and Interpersonal Violence in all forms, but not limited to:

1. Imposition of sexual contact or physical exposure without affirmative 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 age, use of alcohol or other substances, incapacitation, involuntarily restraint, emotional distress or sleep.
7. **Stalking**– Intentionally engaging in a course of conduct, directed at a specific person, which is likely to causes a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

8. **Domestic Violence**– A felony or misdemeanor crime of violence committed by any of the following individuals: current or former spouse or intimate partner of the victim; or a person with whom the victim shares a child in common; or a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
9. **Dating Violence**– Any violent act or acts committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on the reporting party's statement, the length of the relationship, the type of relationship, and frequency of interaction between the persons involved in the relationship.
10. **Sexual Harassment**– Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

(See full Sexual and Interpersonal Violence Policies and Procedures: <https://www.oswego.edu/student-handbook/sexual-and-interpersonal-violence-prevention-policies-and-procedures>)

Hazing Statement: The College takes all reports of hazing seriously. Individuals and recognized organizations who are reported and found responsible for violating this policy, are subject to college disciplinary action, as well as legal action. (See full Hazing Policy: <https://www.oswego.edu/student-handbook/hazing>) Hazing is a violation of New York State law and is subject to criminal prosecution. New York Law classifies Hazing in the 1st Degree a Class A Misdemeanor (section 120.16) and Hazing in the 2nd Degree as a Violation (section 120.17) for persons found guilty.

- F. **Hazing**– Any act, creation of, or participating in a situation or activity that humiliates, degrades, abuses, or endangers an individual or group of individuals mental or physical wellbeing, for purposes of initiation into or affiliation with any group or organization regardless of a person's willingness to participate.
 1. Activities that disrupts or interferes with an individual's pursuit of academic endeavors.
 2. Activities which harass or intimidate.
 3. Any activity for human degradation, or public embarrassment and by its nature, has the potential to cause severe anxiety, distress or panic.
 4. Activities that deprive individuals of sleep, edible meals, or personal hygiene.

5. Activities that involve tests of endurance including leaving a person in a location without means of identification, communication or ability to return.
 6. Activities that expose members or prospective members to potentially dangerous or hazardous circumstances, including lockdowns, overcrowding rooms or locking exits.
 7. Activities that involved the forced or required consumption of food, beverages, alcohol, or other drugs.
 8. Activities which have a foreseeable potential for personal injury, impart pain or cause mutilation or alteration to the body.
 9. Activities which involve illegal acts.
- G. **Theft and Property Damage**, including but not limited to:
1. Damage of College premises or property.
 2. Damage to property of another person.
 3. Theft of College property.
 4. Theft of property of another person.
 5. Physical or digital theft of intellectual property such as computer programs, software files or documents, library books and materials.
 6. Possession or distribution of stolen property.
- H. **Failure to Comply**, including but not limited to:
1. Failure to comply with the directions of college officials acting in the performance of duties including student staff.
 2. Failure to comply with or complete disciplinary sanctions.
 3. Failure to comply with administrative actions including No Contact Orders, or Interim Suspension.
 4. Failure to comply in, or abuse or interference with, College processes including academic and non-academic disciplinary meetings/hearings.
 5. Violation of Disciplinary Probation, or Deferred Suspension.

6. Ineligible pledging or association with a student organization without having met eligibility requirements established by the College.
- I. Violation of Policies Governing the Residence Halls.
 - J. Violation of current College policies, procedures and rules, including but not limited to:
 1. The use, distribution, or possession of firearms, explosives, and weapons.
 2. Entry and use of College facilities.
 3. Solicitation and posting.
 4. Acceptable use of network.
 5. Student Organizations.
 6. Guests.
 - K. **Fire Safety and Smoking**, including but not limited to:
 1. Tampering with or improperly using portable fire extinguishers, elevators, fire sprinkler systems, EXIT lights or any other life safety equipment such as smoke detectors.
 2. Failure to evacuate buildings and follow emergency procedures issued by college officials or local authorities/emergency personnel during a fire drill or alarm.
 3. Intentionally or recklessly causing a fire which damages College or personal property or which causes injury.
 4. Smoking of any kind, including by use of vaping devices, electronic cigarettes, and other nicotine delivery devices, is prohibited on college premises and in all college facilities.
 - L. Violation of Federal, State or Local laws.
 - M. **Alcohol Policy** violation, including but not limited to:
 1. Possessing, consuming, or under the influence of alcohol under the legal age of 21 years old.
 2. Being in the presence of alcohol under the legal age of 21 years old.
 3. Purchasing, providing, or serving alcohol to or for an underage person.

4. Manufacturing, distributing, or engaging in the sale of alcohol.
5. Possessing or consuming alcohol in public, common areas of a residence hall or facility, or on College premises.
6. Creating or possessing drinking equipment and/or engaging in drinking games.
7. Possession of empty alcohol containers and paraphernalia.
8. Conduct under the influence of alcohol as demonstrated through one's actions, regardless of age including, but are not limited to, impaired motor-skill coordination, difficulty communicating, vomiting, verbal and/or physical aggressiveness, destructive and/or disruptive behavior, or public intoxication.
9. Possessing, consuming or being under the influence of alcohol during registered college events, activities, trips, or classes while underage.
10. Operation of a motor vehicle under the influence of alcohol, including but not limited to a DUI.

N. **Drug Policy** violation, including but not limited to:

1. Possessing, consuming or being under the influence of drugs, controlled substances or non-prescribed medication. The odor of marijuana may suffice to constitute a violation of policy.
2. Being in the presence of drugs, controlled substances or non-prescribed medication.
3. Possessing and/or using drug paraphernalia.
4. Manufacturing, selling and/or distribution of drugs, controlled substances or non-prescribed medication.
5. Possessing, consuming or being under the influence of drugs, controlled substances or non-prescribed medication during college events, activities, trips, or classes.
6. Conduct under the influence of drugs as demonstrated through one's actions including, but not limited to operation of a motor vehicle under the influence of drugs.

Bias Crimes and Prevention Statement: The College's values and goals advocate a broad degree of human understanding amongst its community members: students, faculty, staff, visitors and alumni. We seek to enroll and engage a diverse population of students across diverse cultural and national experiences. A vibrant, productive learning environment requires a richness in the variety of voices and life experiences that are represented among us. For this reason, prejudice, discrimination, and bias related actions by community members or visitors and guests, based on race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, are counterproductive and harmful to the purposes of our educational community.

The College does not limit freedom of expression, particularly speech, even if the ideals and values held by some of its members are challenged by that speech. Even bigoted or racist speech or other forms of intolerant speech or offensive expression are protected. In this way, the College values of an inclusive and diverse learning environment may occasionally be challenged by, or at least not be furthered by, freedom of speech. However, conduct that targets a specific individual or group of individuals and creates an unreasonable interference with that individual's or group's ability to pursue educational purposes or to benefit from college life is prohibited by the College through this policy, the Code of Student Rights, Responsibilities and Conduct, and Maintaining Public Order on Campuses of the State University of New York. (See full Bias Crimes and Prevention Policy and Procedures: <https://www.oswego.edu/student-handbook/bias-crimes-and-prevention>)

Bias-related crimes (also called hate crimes) are defined, when a person commits a specified offense and either:

- Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding their protected characteristic, regardless of whether the belief or perception is correct; or
- Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding their protected characteristic, regardless of whether the belief or perception is correct.

O. **Bias-Related Incident**– Any act of bias, or inciting violence, targeted toward an individual or group of individuals based on protected characteristics, so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities, including but not limited to:

1. Harassment through verbal, written (including electronic mail and/or digital communication), graphic or physical conduct that is sufficiently severe, pervasive, or persistent.
2. Threatening, intimidating or fear provoking.

*Protected characteristics including race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

GOOD SAMARITAN POLICY

Good Samaritan Policy– Any student or student group or organization who, in good faith and in a timely manner, seeks emergency medical assistance for a person who reasonably appears to be experiencing an overdose from alcohol or drugs may not be held responsible for a violation of prohibited alcohol or drug related conduct only.

To minimize any hesitation students or student groups or organizations may have in obtaining immediate medical or other professional help for students in need:

- For those in need of assistance: Amnesty is available to individuals who seek or accept medical or other professional assistance without fear they may be accused of minor policy violations, such as underage drinking at the time of the incident. Educational sanctions (including, but not limited to, restitution, work service, loss of

privileges, educational requirements such as programs and/or presentations) may be required, but will not otherwise result in a violation of the Student Code of Conduct as long as the educational sanctions are completed.

- For those who offer assistance: To encourage students to seek medical or other professional assistance for others, amnesty is available for minor violations when students offer this help to others in need. Educational sanctions may be required, but will not otherwise result in a violation of the Student Code of Conduct as long as the educational sanctions are completed.

STUDENT CONDUCT PROCESS AND PROCEDURES

REPORTING AND/OR FILING A COMPLAINT

Any member (faculty, staff, or student) or recognized group or organization of the College community may report and/or file a report to an administrator, campus office, University Police or local law authorities alleging a violation of college policy or when behavior warrants attention. There is no time limit on filing reports and reports may also be made anonymously. It should be noted that when an anonymous report is made or a significant amount of time has passed, the College may be limited in its ability to respond or unable to take any action.

In certain circumstances, once a report has been filed, the College may proceed with an initial inquiry and pre-investigation, even if a Reporting Party or Complainant later chooses to retract, rescind, or recant any or all of the report or chooses not to cooperate. Action will only be taken without the consent of a Reporting Party or Complainant if, in the College's judgment, such action is necessary to protect the safety, security, or integrity of the College or any of its members.

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 Student Conduct rulings that the concurrence of legal prosecution and College disciplinary action does not constitute double jeopardy.

Reporting and/or Filing a Complaint made be made in person or online directly at:

University Police – 109 Pathfinder Hall

Email: police@oswego.edu

Phone: (315) 312-5555

<https://www.oswego.edu/police/concerns>

Dean of Students – 501 Culkin Hall

Email: deanofstudents@oswego.edu

Phone: (315) 312-5486

<https://www.oswego.edu/student-conduct/report-incident>

Office of Student Conduct – 501 Culkin Hall

Email: conduct@oswego.edu
 Phone: (315) 312-3378
<https://www.oswego.edu/student-conduct/report-incident>

Title IX Coordinator – 405 Culkin Hall
 Email: lisa.evaneski@oswego.edu
 Phone: (315) 312-5604
<https://www.oswego.edu/title-ix/reporting-incident>

PRELIMINARY REVIEW

Once a complaint has been reported and/or filed and received by the Office of Student Conduct, a preliminary review into the nature of the incident, the evidence available, and the parties involved will be initiated. The preliminary review may lead to:

- A determination that there is insufficient evidence or no indicated policy violations;
- Further investigation when it is clear more information must be gathered;
- An Alternative Resolution and bypass the conduct process, or
- An Informal or Formal Resolution and referred to the appropriate Student Conduct Officer or Hearing Body.

NOTIFICATION OF ALLEGED VIOLATIONS

A notice of alleged violation(s) is the document that a student, student organization, or student group will receive if they have allegedly violated the Student Code of Conduct. This notice will include the date, time, and location to attend an information session which will discuss the alleged violations as well as the student conduct process. Failure to respond to the notice of the charges by the time designated in the charge letter shall result in the hearing scheduled without the benefit of the respondent's choice of hearing option.

NOTIFICATION OF HEARING DATE

A time shall be set for that hearing as soon as practicable, but not less than five (5) business days nor, whenever possible, more than twenty (20) business days after a hearing preparation meeting with the Director of Student Conduct or designee and the appropriate resolution process has been identified. Alteration of the time limits may occur at the discretion of the Director of Student Conduct.

NOTIFICATION OF OUTCOME

Within five (5) business days after the adjournment of the hearing, the Director of Student Conduct shall submit written findings of the fact, conclusions regarding the charge(s), and imposition of a sanction, if any, to the respondent and any College official who is determined to have a legitimate interest in the result, notification of the final determination will be made by letter sent to respondent's SUNY Oswego's e-mail account. The Director of Student Conduct may modify the timing of the notification of the final determination during semester breaks.

- In the case of violations involving physical violence, notice of findings and sanctions imposed directly related to the complainant/reporting party shall be received by the complainant/reporting party.
- In the case of sexual misconduct notice of findings and sanctions imposed shall also be received by the complainant and the reporting party. For sexual harassment cases, the notice of outcome and only sanctions that directly relate to the complainant of record will be shared.

- Documentation concerning any prior violation(s) of the Code by the respondent may be presented by the Director of Student Conduct to the student conduct body/officer only after a finding of responsibility has been reached.

APPEAL PROCESS

Appeals will be reviewed when the decision made by a Hearing Officer or Hearing Body for violations of the Student Code of Conduct resulted in Suspension or Expulsion. All appeals must be submitted in writing and made within a specified time frame; Refer to the Outcome Letter for more information. Deferred Suspension, College Housing Removal and sanctions determined in a Disciplinary Conference will not be considered for an appeal.

Any such appeal may be made only on one or more of the following grounds:

1. There was significant procedural error of a nature sufficient to have materially and detrimentally affected the outcome.
2. There is significant new evidence of which the appellant was not previously aware, that the appellant could not have discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially and detrimentally affected the outcome.
3. The sanction(s) imposed are grossly disproportionate to the charges found to have occurred.

A student or student group/organization may not appeal simply because they do not like the sanction imposed; the appeal must meet one of the criteria listed above.

FORUMS OF RESOLUTION

After an incident has been reported, the Office of Student Conduct will determine whether a case will follow an Informal Resolution or Formal Resolution process by considering the following:

- Can the violation result in College Housing Removal, Suspension or Expulsion from the College?
- Did this incident have a significant impact to the College community or other individuals?

ELECTION OF RESOLUTION

The following options are available when the violation may result in removal from College Housing, Suspension or Expulsion. *Any student who has violated policy while on Disciplinary Probation or Deferred Suspension will automatically be referred to an Administrative Hearing before the Dean of Students or designee.*

- **Admit Responsibility:** A student may admit to the alleged violation and request a meeting with the Dean of Students or designee. In the event that the respondent elects to meet with the Dean of Students or designee, and accepting responsibility for violating the Code, the Director of Student Conduct will convene a hearing with the student before the Dean of Students or designee to consider the nature and severity of the incident and determine an appropriate sanction.
- **Deny Responsibility:** A Hearing before the Student Conduct Hearing Board when the allegation brought forward against a student or student group or organization is being contested by all parties.
- **Waive Right to Appear:** 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 of Students or designee, and a decision will be made based upon a preponderance of evidence.

HEARINGS IN ABSENTIA

If the student fails to appear for a scheduled disciplinary meeting or fails to reschedule a disciplinary meeting and the Director of Student Conduct has, in good faith, exhausted all reasonable efforts to reschedule, the Director of Student Conduct, on the basis of the information available, shall resolve the case in the student's absence on the basis of the information available. Once a resolution is reached, the decision will be communicated and is final.

STUDENT CONDUCT HEARING BODIES

Student Conduct Hearing Bodies are comprised of students, faculty and staff who receive annual training and on-going education coordinated by the Director of Student Conduct. Board members are appointed for bi-annual terms and are charged with determining, based on a preponderance of the evidence, whether a respondent's actions *more likely than not* violated the Student Code of Conduct. If a finding of responsible is determined, the board will recommend appropriate sanction(s) to the Director of Student Conduct. The board shall make its determination of responsibility and sanctions/corrective actions by majority vote, except that unanimity is required for a sanction of expulsion. All hearings are closed to the public, meaning that no one other than the board members and the Director of Student Conduct, may be present. Complainants, Respondents, their respective advisors, and witnesses called to the hearing will be present in the hearing room only when making a statement or being questioned by the board.

Hearing Board Composition– A board of up to five trained members drawn from a pool of students (max: 3), faculty (max: 1), and staff/administration (max: 1) will comprise a full hearing panel. Three members will constitute quorum and at no time will there be less than three members. At the discretion of the Director of Student Conduct, the composition of the board may be modified when good cause arises.

DIRECTOR OF STUDENT CONDUCT

The Director of Student Conduct acts as the Code Administrator, organizes the hearing procedures, including recruiting the panel, communicating to all parties about hearing date and time, and distributing case materials to all parties. The Code Administrator also chairs higher level hearings and is responsible for conducting the hearing and deciding upon matters related to witnesses, evidence, and procedures. The Code Administrator may exclude from a hearing any person in attendance who disrupts a hearing. The Code Administrator may consult with the Student Conduct Board and other College officials as necessary. As the chair of higher-level hearings, the Code Administrator may also ask questions at the hearing and participate in the deliberations. The Director of Student Conduct may provide complainants and respondents with information related to mediation processes which may be available to resolve some disputes.

INFORMAL RESOLUTION

Disciplinary Conference– A Disciplinary Conference is a hearing resolved by a Student Conduct Officer when the potential sanction does not rise above disciplinary probation. During a Disciplinary Conference a student has an opportunity to respond to alleged violations of the Code of Conduct to provide one's own perspective on the allegations, and clarify or correct information in the evidence presented. If found responsible, department level student conduct officers may impose punitive, educational and/or remedial sanctions, specific to the facts of a given case and match the severity of the incident. Once a resolution is reached, the decision is final.

ALTERNATIVE RESOLUTION

Mediation– Mediation is a process in which two individuals or groups meet to resolve a conflict with the facilitation and help of a neutral third party. Mediation sessions are conducted confidentially and safely by mediators who are Office of

Student Conduct staff or affiliates that have been trained to assist people in airing their concerns, clearing up misunderstandings, and arriving at a resolution that is agreeable to both parties. In order to ensure neutrality, the mediators assigned to each case are approved by all of the parties involved. Participation in the mediation process is voluntary. The Office of Student Conduct cannot force any person to agree to mediation or attend sessions.

FORMAL RESOLUTION

Administrative Hearing– Administrative Hearings are typically conducted by the Dean of Students or designee on any type of alleged violation. Administrative Hearing Officers may impose any sanction as appropriate including Suspension or Expulsion. Typically, a hearing will consist of one Hearing Officer but may require two Hearing Officers.

Student Conduct Board– The Student Conduct Board is a committee of students, faculty, and staff members who hear disciplinary cases when the alleged violations may result in College Housing Removal, Suspension or Expulsion. The hearing board is authorized to determine whether a student and/or a student group or organization has violated the Student Code of Conduct and recommend sanctions that will educate and promote healthy behaviors.

Appellate Hearing Board– The Appellate Hearing Board is a committee of students, faculty, and staff members who consider all evidence when the decision made by a Hearing Officer or Hearing Body for violations of the Student Code of Conduct resulted in Suspension or Expulsion. The Appellate Hearing Board may do one of the following: 1. Recommend a modified decision/sanction or 2. Uphold the original decision and sanction. The decision of the Appellate Hearing Board is final and binding unless it is altered by a presidential review.

HEARING PROCEDURES AND DECORUM

At the discretion of the Director of Student Conduct or when the Respondent is facing College Housing Removing, Suspension or Expulsion, a hearing will be scheduled. A Student Conduct Officer or appointed college administrator will generally serve as the Complainant at the Hearing.

HEARING OFFICERS AND PARTICIPANTS

The Director of Student Conduct will assign three to five Hearing Board members or one or two Hearing Officers to conduct a hearing, with the Director of Student Conduct serving as the Code Administrator.

The hearing participants generally include the Reporting Individual, Respondent(s), a Complainant, witnesses, Hearing Officers or Hearing Body, and any support persons/advisors.

EVIDENCE

- An essential component of any hearing is the determination, using a preponderance of evidence, and the weighing of the facts that pertain to the allegation(s). Therefore, it is vital that personal statements and other information be presented clearly and factually. All participants are expected to be respectful of each other's purpose in the hearing process and to conduct themselves according to the direction of the hearing body. In an effort to be as fair as possible to the Complainant and Respondent, student conduct procedures may be modified by the Code Administrator.
- Evidence, to include but not limited to written documents, photographs, videos, and witness names, to be presented by the Complainant(s) and Respondent(s) during any hearing should be sent to the Office of Student Conduct at least two (2) business days in advance of the scheduled hearing so it can be shared with the opposing

party. The Code Administrator may, in their sole discretion, exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The Code Administrator will make the final decision related to the admissibility of all evidence. Information presented by a student during a hearing that indicates a potential violation of the Student Code of Conduct may be adjudicated at a future time. Character witnesses are not permitted; character letters or letters of reference are limited to two per student.

STUDENT RIGHTS IN A HEARING

When a student, the Complainant and Respondent shall each have the right to:

1. Receive advance notice of at least five (5) business days of the date, time and location of any meeting or hearing they are required to or are eligible to attend. This notification will also include a written statement of the violations to the Student Code of Conduct that the Respondent is being charged with. Proper written notification shall be defined as hand-delivery by campus staff, delivery of information via electronic message to a student's assigned campus e-mail account, or delivery by the U.S. Post Office to a student's local off-campus address.
2. A prompt and impartial hearing;
3. An investigation and adjudication process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
4. Request a delay of a hearing date of up to five (5) business days due to a reasonable extenuating circumstance(s). The Director of Student Conduct or designee will determine the validity of the request and if the delay will be granted. Requests for a delay must be submitted at least two (2) business days prior to a scheduled hearing date;
5. Be notified of the proposed evidence and information to be presented and to know the identity of witnesses who have been called to speak at the hearing or provide notarized statement for the hearing when such information is known by the Director of Student Conduct or designee prior to the hearing.
6. Present evidence, testimony, witnesses, and witness statements when deemed appropriate and relevant by the Code Administrator.
7. Ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. It will be left to the discretion of the Code Administrator whether or not to ask requested questions of other parties.
8. One support person/advisor from the College, who is a full-time employee of the institution, of his/her choosing. This support person/advisor may attend but may not participate or speak during the process. A student should select a support person/advisor whose schedule allows attendance at the scheduled date and time for the administrative hearing because delays will not normally be allowed due to the scheduling conflicts of a support person/advisor.
9. Be present at the pertinent stages of the hearing process as indicated by the Director of Student Conduct or designee. The deliberations of the hearing body are private.
10. Respond truthfully and accurately to statements and other information presented at the hearing.
11. Present a written impact statement to the Hearing Officers to review if a finding of "responsible" is made and Hearing Officer or Hearing Body are deliberating sanctions. Impact statements outline the reporting individual's or respondent's thoughts or opinions regarding an appropriate sanction. The Hearing Officer or Hearing Body are not bound by these statements in determining sanctions.

HEARING PROCEDURES

A hearing is conducted differently from legal proceedings and shall generally be conducted in accordance with the procedures listed below:

1. A hearing shall be closed and not open to the public. Admission of any person into the hearing room shall be at the discretion of the Director of Student Conduct. The Director of Student Conduct shall have the authority to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
2. When a hearing involves more than one Respondent, the Director of Student Conduct or designee may, at their discretion, permit the hearings to be conducted either separately or jointly.
3. If a Respondent, after receiving notification, does not appear for a hearing, the hearing will proceed without the Respondent and a finding will be made based upon the information available and sanction(s) imposed, if appropriate.
4. The Complainant and Respondent shall each have the opportunity to present opening statements, present evidence and ask relevant questions.
5. The Complainant and the Respondent may arrange for witnesses to present pertinent information to the Hearing Officer or Hearing Body. The Hearing Officer or Hearing Body, the Respondent, and Complainant reserve the right to question the witnesses in a manner prescribed by the Code Administrator.
6. The Respondent, Complainant, and any witnesses will provide information to and answer questions from the Hearing Officers or Hearing Body.
7. After the portion of the hearing concludes in which all pertinent information has been received, the Hearing Officers or Hearing Body and Code Administrator shall deliberate in private whether the Respondent has violated each section of The Student Code of Conduct which the student had been charged with violating.
8. Determination shall be made based on the preponderance of the evidence, meaning whether it is *more likely than not* that the Respondent violated the Student Code of Conduct.
9. When a student Respondent is found "responsible" for a violation(s), the hearing body shall continue private deliberations to impose appropriate sanction(s) and may review the student's academic transcript, student conduct history, and impact statement(s).
10. Procedural questions may be asked at any point during the course of the hearing by any participant, with the exception of the support person/advisor.

RECORDINGS

Hearings may be recorded by the College and, if recorded, the College will maintain the audio recordings as required by New York state law. Recordings are the property of the College. Participants are prohibited from making their own recording (including, but not limited to audio, photographic, video, and/or written recording). Upon written request, a Respondent or Complainant may review the audio recording and make appropriate arrangements for it to be transcribed on College premises. Arrangements for a transcriber and all associated costs involved in the transcription will be the sole responsibility of the requesting individual.

DISCIPLINARY ACTIONS, TERMS AND CONDITIONS

Students or student groups and organizations who are found responsible for violating the Student Code of Conduct will receive consequences appropriate to the violation(s) and in consideration of any prior conduct history and/or mitigating or aggravating circumstances. Individual consequences or a combination of consequences may be issued.

Sanctions may carry certain terms and conditions appropriate to the violation, including but not limited to suspension from participation in College activities or programs, 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. In such instances,

- Students or student groups and 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 trespassing 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 student who withdraws from or is not registered with SUNY Oswego 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; a notation will be placed on the student's transcript until such matter is resolved.
- 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 of Students or designee.
- Students who are dismissed for academic matters or suspended or expelled as a result of disciplinary action prior to the end of an academic term, shall be liable for all tuition and fees due for that term, in accordance with SUNY Policy on Billing, Refunds, Collection and Write-offs for Tuition, Fees and Other Charges.

COLLEGE DISCIPLINARY STATUS

Students or student groups and organizations who have violated the Student Code of Conduct and receive imposed sanctions are considered to be not in *Good Standing* with the Office of Student Conduct.

Good Standing includes a requirement that all matters pending before the Office of Student Conduct have been fully and finally resolved including, but not limited to, full satisfaction of any disciplinary sanctions imposed or active status (period of observation and review) has been lifted. Students or student groups and organizations who are not in good standing may be ineligible to participate in College activities or programs, hold positions with campus offices and/or organizations, or run for or hold certain campus-wide leadership positions.

Student Groups or Organizations who have been suspended may apply for reinstatement. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College. Any evidence that members of a student group or organization have attempted to sustain an unofficial student group or organization will result in individual charges and will postpone the group or organizations ability to be reinstated or registered in the future.

DISCIPLINARY SANCTIONS

DISCIPLINARY WARNING– An official written notification that the student has violated College policies and their behavior is counter to the expectations in the student code of conduct. No other specific action is taken unless further misconduct occurs.

DISCIPLINARY PROBATION– A student's status is not in good standing with the College. A designated period of time for observation and review, not to exceed one (1) calendar year, during which the student must demonstrate the willingness and ability to comply with College policies and stipulated requirements. Disciplinary Probation status may impact a student's ability to participate in college activities or programs, hold positions with campus offices and/or organizations, or run for or hold certain campus-wide leadership positions. Failure to meet the conditions or terms of probation or further infraction of college policy, may result in more severe sanctions, including suspension or expulsion from the College.

DEFERRED SUSPENSION– A student's status is not in good standing with the College. A designated period of time for observation and review, not to exceed two (2) calendar years, during which the student must demonstrate the willingness and ability to comply with College policies and stipulated requirements. Deferred Suspension status may impact a student's ability to participate in college activities or programs, hold positions with campus offices and/or organizations, or run for or hold certain campus-wide leadership positions. Failure to meet the conditions or terms of deferment or further infraction of college policy, shall result in more severe sanctions, namely suspension or expulsion from the College.

SUSPENSION– Separation from the College and all attendant privileges is terminated for a specific period of time not to exceed two (2) calendar years. Conditions for re-admission to the College may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students or designee. During the suspension period, the student is banned from College property, functions, events and activities without prior written approval from the Director of Student Conduct. This sanction may be enforced with a trespass action as necessary. [This sanction will be noted as a Conduct Suspension on the student's official academic transcript]

EXPULSION– Termination of a student's enrollment, including all attendant privileges, and permanent separation from the College. Conditions for readmission, if any, shall be stated in the written notice of expulsion. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Dean of Students or designee. The student is banned from College property and the student's presence at any College-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. [This sanction will be noted as a Conduct Expulsion on the student's official academic transcript]

RESTITUTION– Compensation for damage caused to, theft of, or inappropriate or misuse of College property or the personal property of others. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen. Restitution can be monetary, but may also take the form of service or work.

COLLEGE HOUSING REMOVAL– Removal from College housing for a specified period of time or the student's privilege to live in, or visit, any College residence hall is revoked indefinitely. Under this sanction, a student is required to vacate College housing within 24 hours of notification of the action, though this deadline may be extended at the discretion of, the Director of Student Conduct or designee. This sanction may be enforced with a trespass action if deemed necessary. Students found in violation of the terms of this sanction may also be arrested for trespassing. Conditions for re-admission to College housing, if any, may be specified.

LOSS OF PRIVILEGES– A student's status is not in good standing with the College and will be denied certain privileges for a specified period of time or revoked indefinitely. Specific limitations or exceptions may be granted by the Director of Student Conduct and terms of this conduct sanction may include, but are not limited to, student leadership positions,

ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College, ineligibility to represent the College to anyone outside the College community in any way including, participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player.

STUDENT GROUP AND STUDENT ORGANIZATIONAL SANCTIONS

FORMAL REPRIMAND– An official notification to the student group or organization explaining that they have violated College policy and are at risk for deactivation, de-recognition and/or loss of all privileges. Any further misconduct may result in more severe sanctions, including temporary or permanent deactivation from the College.

GROUP OR ORGANIZATIONAL PROBATION– The student group or organization is deemed not in good conduct standing with the College. The duration of any probationary period will be determined on a case-by-case basis. Any further violations of College policy while on probation may result in more serious consequences being imposed. Some of the restrictions that may be placed on the student group or organization during the probationary period include, but are not limited to: ability to host a party or philanthropy event, eligibility to receive any College award or honorary recognition, participate in activities or events, represent the College and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize College facilities/grounds, participate in competitions, or receive future institutional funding.

GROUP OR ORGANIZATIONAL DEFERRED SUSPENSION– The student group or organization will be officially suspended from the College, but the suspension will be deferred, meaning that the student group or organization may continue to function at this time. Failure to meet the conditions or terms of deferment or further infraction of college policy, shall result in more severe sanctions, namely suspension or expulsion from the College.

GROUP OR ORGANIZATIONAL SUSPENSION– The student group or organization is no longer recognized by the College for a designated period of time. During the suspension period, a student group or organization may not conduct any formal or informal business, or participate in College related activities, whether they occur on or off campus. This includes, but is not limited to: ability to host a party or philanthropy event, eligibility to receive any College award or honorary recognition, participate in activities or events, represent the College and any travel in connection with such representation, participate in recruitment/intake or receive a new member class, maintain membership or representation of the organization on the governing council, utilize College facilities/grounds, participate in competitions, or receive future institutional funding.

GROUP OR ORGANIZATIONAL EXPULSION– The student group or organization will permanently lose its College recognition and/or registration and is ineligible to utilize College resources including facilities and financial support.

TRANSCRIPT NOTATIONS FOR DISCIPLINARY SUSPENSION OR EXPULSION

Generally, disciplinary actions are not noted on academic transcripts. However, if a student is suspended or expelled as a result of a disciplinary action, the following are notations added to the student's academic transcript:

- *"Suspended after a finding of responsible for a code of conduct policy violation"* is notated when a student is suspended and separated from institution for a designated period of time.
- *"Expelled after a finding of responsible for a code of conduct policy violation."* is notated when a student is expelled and permanently separated from institution.

- The notation NG (indicating *no grade*) will be added to replace all courses registered for at the time of the suspension or expulsion. NG notations count towards a student's total attempted credits and become a permanent part of your academic history. If the student is readmitted, the courses with NG can be repeated.

When a student is not enrolled due to winter/summer break, or is placed on Interim Suspension from the College while such conduct charges are pending, and withdraws or declines to complete the disciplinary process, the following transcript will be added to the student's transcript "*Student withdrew with conduct charges pending.*"

Appropriate disciplinary action will be taken prior to the student's return to SUNY Oswego. The comment is removed if the student is found not responsible or readmitted after completing the conduct process. Students seeking the removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, can appeal in writing to the Dean of Students.

For suspensions related to serious crimes listed above, the notation will permanently remain on the transcript. Notations for expulsion shall not be removed. If a finding of responsibility has been lifted for any reason, any such transcript notation shall be removed.

ADMINISTRATIVE ACTIONS

Under the Code of Student Conduct, interim actions can include separation from the institution, denied access to College housing or restrictions on participation in the community, including class attendance, for any student or student organization pending the scheduling of a disciplinary hearing on alleged violation(s) of the Code of Student Conduct. Students or student organizations who violate the terms of interim actions may be subject to more severe disciplinary action and/or arrested for trespassing.

INTERIM SUSPENSION

Interim Suspension may be implemented by the President or designee when:

- the presence or alleged action of a student or student organization may pose an imminent threat to the safety of the campus community or any of its members,
- to preserve College property,
- the student or student organization poses a threat of disruption or interference with the normal operations of the College, or
- can reasonably be deemed to expose the campus community or any of its members to additional harm in a future context.

The student may request access to campus and/or information on the basis to invoke interim suspension by writing to the Dean of Students. At the discretion of the Director of Student Conduct and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

NO CONTACT LETTERS

Definition: No Contact Letters are directives issued by the Dean of Students or designee or University Police prohibiting communication between or among designated students. No Contact Letters are issued when, in the judgment of the Dean of Students, there is reason to believe that an order would be in the best interest of all parties and the community for

maintaining peace and safety. No Contact Letters prohibit all forms of communication between designated students, direct or indirect, written, electronic or through a third party.

Authority: No Contact Letters differ from court imposed restraining orders and do not guarantee that designated parties will avoid sightings or passing interactions on the campus or in the local community. In some circumstances, No Contact Letters may restrict a student from parts of the campus except for required academic activities. Students who are concerned about personal safety should contact University Police or local police. Students who have questions about No Contact Letters may speak with the Dean of Students.

Issuance: No Contact Letters shall be issued to maintain the peace and safety of the community and parties involved in an incident. Such situations include, but are not limited to: harassment, threats, bullying, physical assault, stalking, domestic violence, dating violence, sexual assault, retaliation or intimidation or other disruptive behaviors as indicated in the Code of Student Rights, Responsibilities and Conduct of the Rules for Public Order or federal, state or local laws.

- No Contact Letters shall be issued for incidents that occur off campus, in non-residential areas of campus and in residence halls, entryways and other areas contiguous to the residence halls.
- No Contact Letters shall be issued to all parties involved in an incident. This includes the victim, respondent, and any other students involved. No Contact Letters shall be delivered in the quickest means available, including e-mail, campus mail, or hand delivered by a University Police officer or Residence Life staff.
- If a No Contact Letter is part of the terms of an interim suspension, the interim suspended student shall be notified in the No Contact Letter, as well as in the interim suspension notice, that the two are enforced concurrently.

POLICY REVIEW OF NO CONTACT LETTERS

Both the accused or respondent and the reporting individual shall, upon request and consistent with SUNY Oswego policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. SUNY Oswego may establish an appropriate schedule for the accused and respondents to access applicable buildings and property at a time when such buildings and property are not being accessed by the reporting individual. Contact the Dean of Students, 315-312-5483, deanofstudents@oswego.edu.

STUDENT CONDUCT PROCEDURES FOR ALLEGATIONS OF SEXUAL AND INTERPERSONAL VIOLENCE

(See full policy under Sexual and Interpersonal Violence Prevention, Policies and Procedures.)

In general, the procedures listed in Student Conduct Procedures will be followed with some notable differences specific to cases of sexual discrimination as listed here.

Conduct proceedings are governed by the procedures set forth in the SUNY Oswego Student Handbook (<https://www.oswego.edu/student-handbook/>) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions. Reporting individuals (victim/survivors) can request that student conduct charges be filed against the accused/respondent.

A. Throughout conduct proceedings, the accused/respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Code of Student Rights, Responsibilities and Conduct;
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the accused/respondent, including the right to a presumption that the accused/respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals (Respondent) will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Oswego).
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker/hearing officer/code administrator and via the decision maker/hearing officer/code administrator indirectly requesting responses from other parties and any other witnesses present.

- The right to make an impact statement during the point of the proceeding where the decision maker/hearing officer/code administrator is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions
- The right to written or electronic notice about the sanction(s) that may be imposed on the accused/respondent based upon the outcome of the conduct proceeding. Students who are found responsible for sexual assault will be suspended (with additional requirements) or expelled. Students found in violation of dating violence, domestic violence, sexual harassment or stalking will be either placed on disciplinary probation, placed on deferred suspension, suspended or expelled. Students that are placed on disciplinary probation, deferred suspension or suspended may be sanctioned intervention services, restrictions from accessing college or community buildings, and educational programs. For more information, review the Code of Student Rights, Responsibilities and Conduct.
- Access to at least one level of appeal of a determination before the Appellate Hearing Committee, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained in the Student Conduct office for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
- The burden of proof in all cases is "the preponderance of the evidence" - whether it is "more likely than not" that the sex discrimination, sexual harassment, sexual assault, sexual violence, stalking, domestic violence or dating violence occurred. If the evidence presented meets this standard, then the Respondent must be found responsible.
- All deadlines and time requirements in the Code may be extended for good cause as determined by the Director of Student Conduct. Both the respondent and the complainant will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event. Extensions requested by one party will not be longer than five (5) business days.

APPEAL PROCESS FOR CASES INVOLVING SEXUAL AND INTERPERSONAL VIOLENCE

(See full policy under Sexual and Interpersonal Violence Prevention, Policies and Procedures.)

Either party may submit an appeal within five (5) business days of the hearing outcome notification for the following reasons:

1. There was significant procedural error of a nature sufficient to have materially and detrimentally affected the outcome.
2. There is significant new evidence of which the appellant was not previously aware, that the appellant could not have discovered through the exercise of reasonable diligence, and the absence of which was sufficient to have materially and detrimentally affected the outcome.
3. The sanction(s) imposed are grossly disproportionate to the charges found to have occurred.

Appeals from the decision of a College level student conduct body/officer (i.e., Student Conduct Committee or Dean's level hearing) shall be directed in writing to the Director of Student Conduct by either party within five (5) business days of the Respondent's receipt of the written decision. If an appeal is submitted by one party, the non-requesting party will receive notice of the appeal and within five (5) business days of receipt of notice of an appeal, may submit to the Director of Student Conduct a statement of his or her position regarding the decision of the hearing body. This individual will not have access to the appealing party's letter of appeal. The party initiating the appeal of the decision of the hearing body will also receive notice of the five-day period indicating an opportunity to amend or add to his or her submitted appeal. Final submissions will be due concurrently at the end of the designated five-day period.

The Appellate Hearing Committee shall review the decision on the basis of consideration of procedural error, significant new evidence and or grossly disproportionate sanctions. The Committee shall provide the Director of Student Conduct with a written explanation of any modification of the decision. In the absence of a timely appeal, the Dean of Students determination will be final and conclusive. Upon receipt of an appeal that complies with these requirements, the Appellate Hearing Committee may decide it on the basis of the statement of appeal and the record; consult with Dean of Students; the Student Conduct Committee; other persons deemed appropriate; and/or grant the Appellant a conference to explain the appeal in person. The Appellate Hearing Committee may sustain, reverse, or modify the Dean of Students' determination and/or may hear the case on appeal.

Notification of the Appellate Hearing Committee's resolution of the appeal will be made by letter sent to the appellant's SUNY Oswego email account by the Director of Student Conduct. The complainant/reporting party will also receive notice of the decision. The respondent or complainant/reporting party may request a review of the case by the President by submitting a request in writing to the Vice President for Student Affairs and Enrollment Management. However, whether or not the case will be reviewed is the prerogative of the President. This appeal is final within the campus Student Conduct system.

The submission of an appeal does not by itself prevent or defer implementation of the sanctions imposed by the Dean of Students. However, at the request of the appellant, the Dean of Students, in discretion and for good cause, may defer implementation of some or all of those sanctions during the pendency of the appeal.

For more information see Sexual and Interpersonal Violence Prevention, Policies and Procedures. (Approved by college council on February 6, 2015 and in accordance with NY Education Law Article 129-B.)

For more information, contact:

Director of Student Conduct
Dean of Students Office
501 Culklin Hall
315.312.3378

AMNESTY POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES

(See full policy under Sexual and Interpersonal Violence Prevention, Policies and Procedures.)

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