

## COVID-19 Public Health Emergency Additional Student Responsibilities & Requirements

This following section has been added to the Student Code of Conduct in response to the COVID-19 pandemic and outlines expectations all students must observe to protect against transmission of the virus. These precautions will remain in effect until further notice and may be altered as frequently and in such a manner necessary to appropriately respond to this ongoing public health emergency. The expectations below will take precedence over any contradictory language or policy that may exist within the Code of Conduct.

**Section 3.5 d. Public Health Emergency Safeguards:** All students are responsible for actively complying with the precautions the College has established to protect against the spread of COVID-19. Students must use appropriate personal protective equipment (PPE); observe physical/social distancing; abide by all expectations concerning gatherings, hosting guests, hygiene, and movement; quarantine or isolate as directed; and comply with all communicated public health orders.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

Information: The full range of disciplinary sanctions is available to appropriately respond to violations of this policy. However, offenders who demonstrate repeated or willful noncompliance, or who otherwise jeopardize the health and safety of others, will be subject to removal from the residential environment, College grounds, and/or disciplinary dismissal from the institution (i.e. suspension or expulsion).

### 1. Physical/Social Distancing

- a. A distance of at least six feet must be maintained among individuals, inclusive of employees and students, to the extent possible and when seated in a classroom setting or meeting, unless safety or the core activity (e.g., moving equipment, using an elevator, performing a transaction) requires a shorter distance or individuals are of the same residence
  - i. Masks/face coverings must be worn in classroom settings in addition to maintaining six feet of spacing between individuals.
  - ii. Students must comply with in-person classroom attendance rotation schedules (e.g. assigned to attend class in-person on Tuesdays and participate virtually on Thursdays).
  - iii. Removing or tampering with physical barriers, markers, signs, or reconfiguring College-operated space (e.g. rearranging desks/chairs in a classroom) is prohibited.

### 2. Personal Protective Equipment (PPE)

- a. Any time a student comes within six feet of another person who does not reside in the same residence (i.e., roommate), acceptable face coverings/masks must be worn.

- b. Face coverings must be multi-layered; fit snugly over the face; cover the nose, mouth, and chin; and be worn in a such a manner. If reusable, the mask must be able to be washed and machine dried without changing shape.
  - c. *Students must be prepared to don a face covering if another person unexpectedly comes within six feet.*
3. Gatherings & Hosting Guests
- a. Residential students are not permitted to host off-campus guests.
  - b. Each residential student may have one visitor at a time in their room but must *first* seek and obtain written roommate approval if residing in a double-occupancy room.
  - c. Gathering in small spaces (e.g. elevators, supply rooms, faculty offices) by more than one individual at a time is prohibited, *unless* all occupants are wearing acceptable face coverings or are members of the same *family unit*. However, even with face coverings in use, occupancy should not exceed 50% of the maximum capacity of the space.
    - i. Family Units are defined as clusters of students who live in close proximity. Specifically, residents of suites and apartments are considered family units as are residents of a floor in corridor-style buildings and renovated MacKenzie towers.
  - d. Students must be mindful of, and abide by, posted occupancy limits for all interior and exterior spaces.
4. Quarantine & Isolation
- a. Students must comply with any official request to quarantine or isolate.
    - i. Violators may be immediately removed from the residential environment and receive a disciplinary sanction of suspension or expulsion.
  - b. Students may not enter a quarantine or isolation zone unless they have been assigned to the area or have received College authorization.
5. Hygiene, Cleaning, and Disinfection
- a. Students are expected to wash their hands or use hand sanitizer before and after eating, after using the restroom, after touching items or surfaces in communal areas, and/or whenever soiled.
  - b. Hands should be kept away from the eyes, nose, and mouth to help prevent infection.
6. General Failure to Comply with Public Health Orders
- a. All federal, state, and local government orders must be observed.
  - b. Any action, inaction, or activity that weakens the overall public health goals of greater Alfred community is prohibited.
  - c. Students must comply with the daily screening process established by the College and are responsible for immediately reporting any possible COVID-19 symptoms.
  - d. Students are expected to make any and all reasonable efforts to prevent the transmission and contraction of disease.



## 2020-2021 COMMUNITY STANDARDS: STUDENT CODE OF CONDUCT

Alfred State is first and foremost an institution of learning and teaching, committed to serving the needs of society. Our campus community reflects and is a part of a society comprising all races, creeds, and social circumstances. The successful conduct of the College's affairs requires that every member of the college community acknowledge and practice the following basic principles:

- We affirm the inherent dignity in all of us, and we strive to maintain a climate of justice marked by respect for each other. We acknowledge that our society carries within it historical and deep-rooted misunderstandings and biases, and therefore we will endeavor to foster mutual understanding among the many parts of our whole.
  - We affirm the right of freedom of expression within our community and affirm our commitment to the highest standards of civility and decency toward all. We recognize the right of every individual to think and speak as dictated by personal belief, to express any idea, and to disagree with or counter another's point of view, limited only by College regulations governing time, place, and manner. We promote open expression of our individuality and our diversity within the bounds of courtesy, sensitivity, and respect.
  - We confront and reject all manifestations of discrimination, including but not limited to unjust or prejudicial treatment based on age, disability, race, ethnicity, gender, gender expression and identity, language heritage, learning style, national origin, sexual orientation, religion, social-economic status, status as a veteran, and world-view. We recognize and cherish the richness contributed to our lives by our diversity. We take pride in our various achievements and we celebrate our differences.
  - We recognize that each of us has an obligation to the community of which we have chosen to be a part. We will strive to build a true community of spirit and purpose based on mutual respect and caring.
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## STUDENT CODE OF CONDUCT

Office of Student Conduct  
Student Leadership Center 409  
Telephone: 607-587-4065  
Fax: 607-587-3207

### Alfred State

### PRINCIPLES OF COMMUNITY

*As members of Alfred State, we choose to be part of an academic community dedicated to those principles that foster personal and professional integrity, civility, and inclusion.*

***We strive toward lives of personal integrity and academic excellence*** – *We will encourage in ourselves, and in one another, those responsible actions which lead to lives of productive work, personal enrichment, and useful citizenship in an increasingly interdependent world.*

***We commit to treat one another with civility*** – *Recognizing that there will be differences of opinion, we will explore these differences in a courteous and forthright manner, always acknowledging individual rights to freedom of expression and association.*

***We support inclusion*** – We encourage those of all cultures, orientations, and backgrounds to understand and respect one another in a safe and supporting educational environment.

This set of principles set forth by the College is supported by policies including the Student Code of Conduct and the Policy on Academic Integrity.

Adopted by the Alfred State College Faculty Senate – 4/8/97

Adopted by the Alfred State College Student Senate – 4/8/97

Reaffirmed by the Alfred State Faculty & Student Senate – 2016

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## **PREAMBLE**

To enter Alfred State is to accept an invitation to participate in the growth and development of a “community marked by freedom, mutual respect, and civility.” Choosing to become a member of this community implies a commitment to an open dialogue about the basic human questions fundamental to higher education and a responsibility to maintain an environment in which this dialogue can occur. Respect for the dignity, integrity, wellbeing, and property of others is essential to the maintenance of the Alfred State community.

Alfred State, a community comprised of students, faculty, staff, and administrators, recognizes the need to establish a student code of conduct which contains rules and regulations to guide student actions and to define the penalties which are to be imposed when these rules and regulations are violated. Responsibility for administration of these rules/regulations is divided among these three groups which are charged with adherence and enforcement. The College, through its Student Code of Conduct, seeks to establish in its students a sense of responsibility to themselves and to others who are citizens of the total College community. It is the College’s expectation that while here, all students would take into consideration other individuals and their rights to an environment that is conducive to academic achievement and personal growth.

It is the policy of Alfred State to ensure that the rights of an individual guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their age, disability, race, ethnicity, gender, gender expression and identity, language heritage, learning style, national origin, sexual orientation, religion, social-economic status, status as a veteran or world-view. When such rights are infringed upon by violence, threats, or other harassment, the College will use every necessary resource to rapidly and decisively identify perpetrators for criminal and/or administrative prosecution.

The Student Code of conduct is a document designed to foster a community conducive to achieving the mission of Alfred State. The opportunity to participate in this academic community requires individual responsibilities. By voluntarily choosing to affiliate with the College, students indicate knowledge and acceptance of the responsibilities outlined in the Student Code of Conduct.

## **STANDARDS FOR THE CONDUCT OF STUDENTS**

The College expects its students to act with integrity. Dishonesty, fraud, and failure to respect the rights of others cannot be tolerated in a community that is dedicated to the development of responsible individuals.

A student will be subject to College disciplinary action for violation of the following codes of conduct:

- a. Academic Integrity Policy
- b. Student Code of Conduct
- c. Code of Civil or Criminal Law

Students as defined here include residential students, commuter students, part-time students, full-time students, and online students. Failure to comply with these policies can result in disciplinary action.

The Student Code of Conduct prescribes standards for the conduct of students on and off the campus (including minors in possession of alcohol, providing alcohol to minors, disorderly/disruptive conduct, drug sale, and any activity off campus that is considered an act of violence to oneself or another). Many of these regulations are similar to federal and state statutes; therefore, a violation of the Student Conduct Code may concurrently represent a violation of a civil statute. The College and civil jurisdictions are considered independent, each based on its separate, distinct needs. Thus, both criminal and College proceedings could result from the same violation. Civil or criminal action before or after College action shall in no way alter the College proceedings or findings, nor provide any right to immunity from the College jurisdiction.

Generally, the College’s jurisdiction for addressing student misconduct is applied to incidents that occur on campus property and at College-sponsored events and activities. The College may also exercise its right to impose disciplinary charges with students and student organizations for inappropriate behavior that occurs off campus if such behavior

violated the penal law and/or is deemed as possibly adversely affecting or endangering (a) the College community or (b) the interests or mission of the College. College authorities shall expedite disciplinary proceedings, recognizing the advantage of a prompt hearing in the event of alleged infractions, while guaranteeing due process.

Behavior causing serious personal endangerment, such as abuse of alcohol or other drugs, may subject a student to immediate suspension prior to a hearing as outlined in the section of the code titled "Interim Suspensions."

*All student members of the Alfred State community have certain rights. These include:*

- The right to learn, which includes the right of access to ideas, the right of access to facts and opinions, the right to express ideas, and the right to discuss those ideas with others.
- The right to be treated as an individual member of the community, which includes the right to be free of discrimination based upon age, disability, race, ethnicity, gender, gender expression and identity, language heritage, learning style, national origin, sexual orientation, religion, social-economic status, status as a veteran or world-view, and the right to be free from harassment of any type.
- The right of peaceful coexistence, which includes the right to be free from violence, force, threats, abuse, and the right to move about freely.
- The right to be free of any action that unduly interferes with a student's rights and/or learning environment.
- The right to express opinion, which includes the right to state agreement or disagreement with the opinions of others and the right to an appropriate forum for the expression of opinion.
- The right to privacy.
- The right to have access to a process through which to resolve deprivations of rights and, in the case of disciplinary procedures, the right to be informed of any charges of misconduct, the right to adequate time to prepare a response to the charges, the right to hear evidence in support of the charges, the right to present evidence against the charges, the right to an adviser, the right to a fair procedure which is appropriate to the circumstances, and the right to be informed of the outcome of any proceeding.

*All student members of the Alfred State community (including residential, commuter, full-time, part-time, and online students) have certain responsibilities to the Institution and to its members. These include:*

- Respect for the rights of others, which includes the obligation to refrain from conduct that violates or adversely affects the rights of other members of the Alfred State community.
- The obligation to refrain from conduct in the general community that adversely affects the Alfred State community.
- The obligation to refrain from interfering with the freedom of expression of others
- The responsibility for the avoidance of force, violence, threat, or harassment.
- The responsibility for the avoidance of disruption. Certain kinds of conduct can convert the expression of opinion into disruption.
- The responsibility for the compliance with state, federal, and municipal laws and regulations. Student members of the Alfred State community must be aware that they continue to be subject to the obligations of all citizens while they attend college. The College is committed to the observance of the laws. There is no immunity on its campus from the prohibitions of local, state, and federal law regulating the use of drugs, alcohol, or motor vehicles. Violations of the law in the surrounding community injure the College, just as it does other citizens who reside there. The College offers no tolerance for any such conduct.
- The obligation to ensure that the conduct of others who come to the College through a student's invitation or permission complies with the rules and regulations of the College.
- The obligation to respect the environment of Alfred State, which includes respect for the physical features of the campus and its facilities, and the special needs of an institution of learning, such as quiet and privacy.
- The obligation to provide proper identification whenever requested to do so by a representative of the College. All students are expected to carry their Alfred State college identification card at all times and to produce the identification card when requested.
- The responsibility to cooperate with College officials in the performance of their duties.
- The responsibility to respect the values and traditions of Alfred State as an institution of higher education.



## **OFFENSES AGAINST THE NYS PENAL LAW**

All students are subject to the NYS Penal Law. Any violation of the NYS Penal Law, whether occurring on or off campus, may be processed as a violation of the Student Code of Conduct. All felony convictions for actions occurring when the student is enrolled at Alfred State will be processed as a violation of the Code

## **INTERIM SUSPENSIONS**

When the vice president for student affairs (or designee) judges the continued presence of a student may pose a danger to the College community, the vice president for student affairs (or designee) may suspend the student immediately, pending a disciplinary review/hearing, if there is reasonable cause to believe a violation has occurred and the student charged was the violator. The vice president (or designee) will inform the student in writing, by personal delivery, or if this is not possible, by mail to the student's usual place of residence or to a place where the student is currently being held, observed, or assisted (e.g., police station, jail, emergency room, medical facility, etc.).

A student placed on an interim suspension may request a review, in writing, to challenge the basis for the suspension. The assistant vice president for student affairs will consider the reliability of the information concerning the alleged conduct including the identification of the student. The Assistant Vice President will also consider whether the alleged conduct and surrounding circumstances reasonably indicates that the continued presence of the student poses a threat to others or the stability and continuance of normal College functions. A written response will be provided to the student through their Alfred State email account.

The notice of interim suspension will list the Student Code of Conduct violations that the student is alleged to have committed. A student placed on an interim suspension status is not permitted to attend classes, submit coursework or take exams, reside in campus housing, or be present on College property or attend any College-sponsored event. Failure to observe these restrictions may result in arrest for criminal trespass and/or additional disciplinary charges. When this administrative action is taken, a student is required to relinquish his/her room key(s), student ID card, and any other College property in his/her possession. The College will not reimburse a student for any expenses incurred (e.g. hotel or food costs) during the interim suspension period.

A disciplinary hearing will convene within a reasonable time but may be delayed due to such factors as:

1. Time of academic year;
2. Availability of witnesses (especially any injured party);
3. Whether criminal charges are pending or an investigation is ongoing;
4. Incarceration of the respondent

If, at the conclusion of the disciplinary process, the student receives an outcome that permits them to resume their studies at the College, they will be permitted to make up any missed coursework. However, this accommodation only applies to the time absent which was under the control of the College. If the student was unavailable or otherwise delayed the process after the College was ready to proceed, the opportunity to make-up the missed coursework during that additional period of absence will not be guaranteed.

## REGULATIONS

### Section One – ALCOHOLIC BEVERAGES

**Introduction:** Alfred State students are expected to comply with local, state, and federal laws relating to the use of drugs and alcohol. The College will not tolerate conduct which disrupts the campus and the academic or residential environment. The College values its relationship with the Village of Alfred and recognizes the right of its neighbors to be secure from abusive conduct caused by illegal use and/or irresponsible use of drugs and alcohol on and off campus.

With this in mind, Alfred State has established a clear, concise policy relating to the illegal use of alcohol and drugs. The use, possession, sale, or distribution of any controlled substance, the use, sale, possession, or distribution of alcohol by anyone under the age of 21, and the unauthorized possession of any central alcohol source (e.g., kegs, beer balls, trash can punches, etc.) by students on the Alfred State campus or in the course of College activities are prohibited.

The majority of offenses against people and property committed at Alfred State are a direct result of alcohol use/abuse. Such high-risk behavior is unacceptable to the student population and community at large.

**Philosophy and Rationale:** The Alfred State community is acutely aware of the problems that commonly result from alcohol consumption. Alcohol addiction, disruptive and destructive behavior, and the wasting of individual health and talents are perils that require recognition and preventive measures. Regardless of age, any individuals who consume alcohol to a level where they place themselves or others in harm's way are engaged in high-risk behavior. High-risk behaviors are dangerous and antithetical to a community committed to safety, learning, and respect. When the College is notified of student misconduct in regard to alcohol misuse or abuse off campus, it may also choose to hold the student accountable through the campus disciplinary process. College policies and regulations reflect these concerns and shall serve to remind potential offenders of the likely consequences.

The purpose of the College is two-fold: It must provide the best possible opportunity for learning, and it must create an environment conducive to personal growth. These goals are hindered by alcohol abuse. Student drinking patterns that interfere with accomplishment of College goals are unacceptable and shall be cause for disciplinary action ranging from disciplinary warning to disciplinary suspension. Students who are mandated by the hearing process to attend an alcohol assessment or an alcohol and drug education program and fail to successfully complete these programs as required will be subject to further disciplinary action which may include dismissal from the College.

**Overview:** The information that follows serves as a sanctioning guideline used when addressing on- and off-campus violations of the College's Community Standards involving alcohol. Sanctions may be lesser or more severe depending on the circumstances of the incident and consideration of any prior disciplinary record. To list all those acts which might constitute unacceptable conduct is impossible; however, student participation in any of the actions below or other potentially serious violations of College policy may warrant disciplinary action.

**Personal Accountability and Responsibility:** Students who are of legal drinking age and choose to consume alcohol are expected to limit their use so as not to interfere with their ability to act responsibly. Impairment from the use of alcohol does not diminish personal responsibility for one's actions and behavior. If a student is in violation of another policy (e.g., non-compliance with College officials, law enforcement and emergency personnel, destruction of property, assault, tampering with fire safety equipment, etc.) while under the influence of alcohol, the individual is subject to disciplinary action for all violations that may have occurred.

**Philosophy and Rationale for 21 and Over:** The College permits persons of legal age to possess and consume alcoholic beverages in its College-administered housing units within the limits detailed below.

**1.1 Alcohol Possession/Consumption:**

Persons under the age of 21 shall not consume or have in their possession alcoholic beverages on or off campus. Possession of alcoholic beverages without proper authorization in any building, on any property owned or controlled by the College, and/or is a violation of campus policy, local, state or federal law is prohibited.

*Range of Sanctions: Disciplinary Warning to Suspension*

**Information:** The following list itemizes types of alcohol possession violations of College policy, local, state, or federal laws:

- Drinking/possession of alcoholic beverages by any student or student organization while riding in state, College-owned or facilitated, Student Senate, and ACES-owned/operated vehicles, or personal vehicles is prohibited.
- Persons of legal drinking age shall not consume or have in their possession an open container (seal broken) of alcoholic beverage outside their room or a lounge designated as 21 years of age or older and where consumption of alcohol is permitted. In designated residential lifestyle for 21 or older, students must keep all alcohol behind a lockable suite door and/or rooms within the area designated as 21 or older.
- Large containers/amounts of alcohol (e.g., kegs, half-kegs, quarter-kegs, beer balls, or punches) are not permitted on campus and are subject to confiscation regardless of the age of the person in possession.
- Operating a motor vehicle under the influence of alcohol is prohibited.

College policy permits the use of alcohol in moderation for those of state-mandated legal age but denounces excessive consumption. Those who consume alcoholic beverages must remain in control of their behavior, respect the rights of others, and shall be held responsible for their actions. Promotions which encourage consumption of alcohol are prohibited.

It is the responsibility of all students of legal drinking age (i.e., 21 and over) to have proof of age of anyone consuming alcohol in their presence. For a student's protection, this may require asking for a current driver's license, New York State Identification Card, or original birth certificate.

See the table *Minimum Sanctions for Alcohol and Drug Violation* on pages for additional information regarding sanctioning.

**1.2 Alcohol intoxication:**

Being intoxicated due to the level of consumption of alcohol (where students have placed themselves or others in harm's way or are experiencing significant difficulty functioning physically) is not permitted.

*Range of Sanctions: Disciplinary Warning to Suspension*

**Information:** Any student, regardless of age, may be charged with a violation of this regulation. Examples of alcohol intoxication include students transported to the hospital for alcohol consumption, students found passed out in College facilities, on College property, or at College-sponsored events, students exhibiting a significant level of incoherent behavior (e.g., driving while intoxicated, vomiting as a result of alcohol consumption, disorderly behavior). Students can also be charged with a violation of this regulation for their conduct off campus. Past violations have resulted in disciplinary outcomes that include a mandatory substance abuse assessment, denial of campus residency, participation in intensive in-patient treatment programs while the student is suspended, and the possibility of arrest and prosecution under local, state, or federal laws.

See the table *Minimum Sanctions for Alcohol and Drug Violations* for additional information regarding sanctioning.

**1.3 Hosting/Providing Alcohol to Minors:**

As a violation of campus policy and state law, providing alcohol to minors, regardless of the age of the person providing, is prohibited. Students of any age found responsible for permitting the consumption/possession of alcohol by minors in their room, suite, or lounge will also be in violation of this regulation.

*Range of Sanction: Disciplinary/Organizational Probation to Suspension/Organizational Suspension*

Information: Individual student conduct – Students may also be charged disciplinarily for conduct off campus if they provide alcohol to minors. Past violations have led to individual student arrests and campus disciplinary outcomes that have included denial of campus residency and suspension.

Students of any age found responsible for permitting the consumption/possession of alcohol by minors (whether in their room, suite, lounge, at a campus location, at an off-campus location, in their vehicle, at a College-sponsored event) are in violation of this section. Violators of this regulation will receive a higher sanction than those found responsible for consumption/possession of alcohol as minors.

Student organization conduct – Student organizations can also be charged with a violation of this regulation if the College is informed that the student organization has violated federal, state, or local laws or their actions (a) represent disorderly conduct or (b) pose a direct harm or threat to themselves or another person (e.g., providing alcohol resulting in intoxication of another; consumption of alcohol by minors on the premises). Past violations of this regulation have resulted in organizational probation, organizational suspension, and denial of housing waiver privileges as a Greek organization.

Administration of Severe Incidents: When an individual provides alcohol to another where a level of significant alcohol intoxication occurs, the matter will be heard by the Student Conduct Committee.

See the table *Minimum Sanctions for Alcohol and Drug Violations* for additional information regarding sanctioning.

**1.4 Drinking Games:**

Any activity in which an individual's consumption of alcohol, either in whole or in part, is determined by chance, skill, or some other external variable that accelerates alcohol consumption is prohibited. Examples include: beer pong, flip cup, quarters, funneling & keg stands.

*Range of Sanction: Disciplinary/Organizational Probation to Suspension/Organizational Suspension\**

Information: Individuals or groups that host, sponsor, or allow drinking games or contests where alcohol is being consumed in their room, suite, lounge, or off-campus residence is prohibited. If an individual is harmed as the result of this behavior, the minimum sanction that a host may receive is Disciplinary Suspension

## Section Two – DRUGS

**Philosophy and Rationale:** The use and possession of marijuana and/or other drugs may have disrupting consequences that interfere with the educational mission and general welfare of the College community. Because of the potential danger of these substances, the College prohibits use, possession, distribution, or sale of illegal drugs (including marijuana), un-prescribed drugs, or of any medication or substance used for purposes other than the manufacturer’s intended use. When the College is notified of student misconduct in regard to drug use or sale off campus, it may hold the student accountable through the campus disciplinary process.

### Definitions:

- The term “drugs” when used in the above section includes any of the controlled substances defined in Section 220.00 of the NYS Penal Law.
- The term “marijuana” when used in the above section is as defined in Article 221, Section 221.00-221.30 of the NYS Penal law.

**2.0 Drug Use & Possession:** The illegal use or possession of drugs or un-prescribed drugs constitutes an illegal act and will be subject to disciplinary action independent of other action taken by civil authorities. All persons present in an area where they know un-prescribed drugs are being used or illegally possessed will also be subject to disciplinary action.

Range of Sanctions: *Disciplinary Warning to Disciplinary Suspension*

Information: The following list itemizes types of drug possession violations of College policy, local, state, or federal laws:

- Hosts (residents of the room/suite or owner/operator of a vehicle) present where un-prescribed drugs are being used or illegally possessed are also responsible for this illegal behavior occurring in their residence.
- Use/possession of or being in the presence of un-prescribed drugs on or off campus is prohibited.
- Drug paraphernalia (e.g., bongs, pipes, hookahs, other smoking devices) is not permitted on campus.
- Operating a motorized vehicle under the influence of a drug is prohibited.

See the table *Minimum Sanctions for Alcohol and Drug Violations* below for additional information regarding sanctioning.

**2.1 Drug Misuse & Intoxicants:** The use of any drug other than in the manner prescribed or directed by the manufacturer, as with over-the-counter medications, is prohibited. In addition, the use of any commercial product contrary to the manufacturer’s directions or warnings for the purpose of inducing intoxication or similar physiological effects is prohibited.

Range of Sanctions: *Disciplinary Warning to Disciplinary Suspension*

Information: If a respondent discloses that they are struggling with an addictive disorder, special consideration may be given to the sanction imposed. To receive a sanction or outcome outside of the established guidelines, the student must be willing to divulge the nature of their disorder to Health & Wellness Services staff and comply with any recommended treatment.

- 2.2 Drug Sale:** The manufacture, distribution, sale, offer for sale of any illegal drug or un-prescribed drug, or unauthorized use of prescription drugs is prohibited.

*Range of Sanction: Disciplinary Suspension to Disciplinary Expulsion*

Information: Students who give drugs to others are considered to be involved in the distribution of drugs and as such, have been charged with drug sale and have also been charged criminally. Possession of scales in conjunction with drugs may be viewed as evidence of drug sale.

See the table *Minimum Sanctions for Alcohol and Drug Violations* below for additional information regarding sanctioning.

### Minimum Sanctions for Alcohol and Drug Violations

In compliance with the Drug Free Schools Act, the College has established *minimum* sanctions for the first, second, and third offenses of its alcohol and drugs policy. In order to maintain consistency, hearing bodies are not permitted to deviate from these minimum sanctions, but *higher* sanctions can be imposed if deemed appropriate.

Violation	First Offense Minimum Sanctions	Second Offense Minimum Sanctions	Third Offense Minimum Sanctions
<b>1.1 Alcohol Possession/ Consumption</b>	<ul style="list-style-type: none"> <li>Disciplinary Warning</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Extended Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>
<b>1.2 Alcohol Intoxication</b>	<ul style="list-style-type: none"> <li>Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Extended Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Disciplinary Suspension</li> <li>Counseling Assessment</li> </ul>
<b>1.3 Hosting/ Providing Alcohol to Minors</b>	<ul style="list-style-type: none"> <li>Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Extended Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Disciplinary Suspension</li> <li>Counseling Assessment</li> </ul>
<b>1.4 Drinking Games</b>	<ul style="list-style-type: none"> <li>Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Extended Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Disciplinary Suspension</li> <li>Counseling Assessment</li> </ul>
<b>2.0 Drug Possession</b>	<ul style="list-style-type: none"> <li>Disciplinary Warning</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Extended Disciplinary Probation</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Disciplinary Suspension</li> <li>Counseling Assessment</li> </ul>
<b>2.2 Drug Sale</b>	<ul style="list-style-type: none"> <li>Disciplinary Suspension</li> <li>Counseling Assessment</li> </ul>	<ul style="list-style-type: none"> <li>Disciplinary Expulsion</li> </ul>	<ul style="list-style-type: none"> <li><i>Not Applicable</i></li> </ul>

*Students who are suspended must complete their alcohol & other drug assessment prior to re-enrollment*

## Section Three – DISORDERLY AND IRRESPONSIBLE CONDUCT

**Philosophy and Rationale:** Acknowledging that both the College and the student body have a responsibility to provide an environment which enhances the quality of life in the community and is conducive to academic achievement, any behavior which jeopardizes the safety of others and the rights of persons and property or any conduct which is not consistent with this environment is prohibited. In all circumstances, common courtesy should be exercised. Restitution may be assessed in appropriate situations in addition to disciplinary action. The following behaviors directed toward others are strictly prohibited and may subject individuals to disciplinary action and possible civil or criminal prosecution.

- 3.1 b. Maintenance of Public Order:** Alleged violation of any criminal law (federal, state, or local) or local ordinance where the student's conduct interferes with the College's exercise of its educational objectives or responsibilities to its members whether on College premises or off campus or when such a violation of the law has or may have an adverse impact upon the College community is prohibited.

*Range of Sanction: Disciplinary Probation to Expulsion\**

Information: Classroom misconduct – Students have also been charged with a violation of this regulation when their behavior in a classroom or academic activity disrupts or interferes with the ability for the instructor to maintain an academic environment that supports ongoing instruction and/or fosters learning.

Off-Campus misconduct – Students may also be charged with a violation of this regulation for conduct off campus if their behavior (a) is considered disorderly or (b) poses a direct threat to another person, and (c) is a felonious act, or (d) is disruptive to another student's educational pursuit (reference to Title IX). Students have a responsibility to conduct themselves as good citizens in our local communities. Inappropriate behaviors such as public urination, public intoxication, and disruptive conduct to neighbors such as yelling or playing loud music are considered disorderly. These types of misconduct can have a detrimental impact on the College community and can carry sanctions that include, in some instances, dismissal from the College.

\*In addition, any individual or recognized group who charges an admission fee, sells a cup, or has any exchange of money at an event where alcohol is consumed is prohibited. If found responsible for an allegation of this nature, the minimum sanction that may be imposed is Disciplinary/Organizational Suspension.

- 3.1 c. Disorderly Conduct (disruptive or destructive):** Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace is prohibited. Such conduct includes but is not limited to disruption or obstruction of teaching, research, administration, or other College activities. Horse play is prohibited. All official campus postings and notices must be observed.

*Range of Sanction: Disciplinary Warning to Disciplinary Suspension*

- 3.2 a. Vandalism & Destruction of Property:** Inciting to action, participation, and intentionally or recklessly, but not accidentally, damaging, destroying, or defacing the property of another is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

- 3.2 b. Tampering:** Misuse or unauthorized use of any equipment or property of another is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

- 3.4 a. Misrepresentation:** No student shall speak in the name of the College or for any of its organizations unless such student has been authorized by the College or by the organization for which he/she is speaking.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

- 3.4 b. Fraud:** Furnishing false information to the College including but not limited to forgery, alteration, or misuse of, among other things, College documents or records is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

- 3.5 a. Failure to Comply with Disciplinary Decisions or Administrative Actions (i.e., No Contacts):** Failure to comply with any disciplinary special condition/sanction imposed by any judicial body or administrative hearing officer is not permitted. Students can also be charged with a violation of this regulation if they do not comply with a “no contact” order imposed by an administrative officer of the College.

*Range of Sanctions: Progressively Increasing Sanctions*

- 3.5 b. Failure to Comply With Official Requests:** Failure to comply with a legitimate, reasonable, and lawful request or direction by members of the faculty and administrative staff, other employees of the College, or officially recognized volunteers acting in accordance with their official College duties is not allowed.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

**Information:** For example, past penalties have included suspension for failure to comply with a sanction of disciplinary probation. This includes special conditions such as revocation of visitation privileges, community restitution, attendance at alcohol education programs, and educational assignments. Failure to appropriately respond to requests or comply with directives issued by authorized College representatives in performance of their duties and responsibilities will be subject to disciplinary actions. Authorized College representatives can include University Police, resident assistants, office managers, house managers, facility managers, club advisers, lab proctors, staff, and administrative office personnel.

- 3.5 c. Judicial System Disruption:** Any act(s) by a person(s) that inhibits or disrupts the College judicial process including but not limited to a) falsification or misrepresentation of information before a hearing panel or any judicial officer/administrator, b) disruption or interference with the orderly conduct of a judicial proceeding, c) knowingly initiating a judicial proceeding without cause, or d) attempting to discourage an individual’s proper participation in, or use of, the judicial system.

*Range of Sanction: Disciplinary Probation to Expulsion*

- 3.6 Quiet Hours:** Failure to comply with residence hall quiet hours, courtesy hours, and *intensive study hours* will be subject to disciplinary action. Disturbances occurring outside of the residence halls that negatively impact the living/learning environment will result in disciplinary action.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

**Information:** See the Residential Life *License for Residence* for definition of the terms quiet, courtesy, and intensive study hours.

- 3.6 a. Noise Disturbance:** Disturbing the peace or creating a noise disturbance that includes but is not limited to quarreling, shouting in or outside of residential facilities is prohibited.

*Range of Sanctions: Disciplinary Warning to Suspension*

**Information:** Each of the residence halls set community standards for maintaining a healthy balance between the pursuit of academic success and the importance of socialization and learning in a residence hall environment. Penalties for violation of these regulations include denial of campus residency and/or visitation, and relocation.



- 3.7 Fire Code Capacities:** The number of people at any particular time in any residential hall area may not be in excess of the published or posted fire code capacities. The fire code capacity is nine (9) individuals per room/suite/lounge.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

**Residence Hall Safety:**

- 3.8 a. Window Screens:** The removal or opening of any residence hall screen is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.8 b.** The throwing of objects from any window or being on any campus building roof is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.8 c** Dart boards (other than magnetic) are not allowed in the residence halls.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.8 d. Hall Sports:** Activities such as, but not limited to, the use of skateboards, rollerblades, hockey equipment, and bicycles in the residence halls are prohibited. In addition, playing sports inside the residence halls is not allowed. Such activities include but are not limited to football, bowling, golf, and basketball.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.8 e** Leaning, sitting, or standing out on a window ledge is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.8 f Light Fixtures:** Black light bulbs are not permitted in any state-owned light fixtures. Modification to any state-owned fixtures is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.9 Identification:** Not providing College or other proper identification upon request by an authorized College official is prohibited. Possession/use of forged identification or identification issued to another person is also prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.10 Room Responsibility:** Rooms may not be used by any person(s) without a resident of the room present. Each resident is responsible for any and all activity which occurs in their own room.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.11 Pets:** Fish, except piranha, are the only pets allowed in the residence halls. No resident shall have or harbor unauthorized pets or other wild or domestic animals in the residence halls. Fish tanks are limited to 20 gallons per room. Pets are not permitted in any other College facility (unless otherwise designated by College officials). The only exception is those areas designated by Residential Life as "pet friendly."

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 3.12 Smoking:** Smoking of any kind, including the use of vaporizers and electronic cigarettes, is prohibited in all public buildings, residence halls, and on College grounds except for in designated smoking areas. Due to health and safety concerns, students found responsible for smoking *inside* of any College facility will receive a more severe sanction.

*Range of Sanctions (violations outdoors): Disciplinary Warning to Disciplinary Suspension*

*Range of Sanctions (violations indoors): Disciplinary Probation to Disciplinary Suspension*

- 3.13 Trespassing/Unauthorized Access:** Forcible or unauthorized entry into any room, building, structure, or facility or unauthorized use of College grounds, including bathrooms, is prohibited.

*Range of Sanctions: Disciplinary Warning to Expulsion*

- 3.14 Prohibited Affiliation with Expelled or Dangerous Organizations:** Students are prohibited from joining, pledging, or accepting membership with a fraternity, sorority, or student organization that has been expelled or designated as a “Dangerous Organization.”

*Range of Sanction: Suspension to Expulsion*

Information: Given the college’s concern regarding the physical and/or mental health risk posed by expelled or dangerous organizations, students who join these groups can be charged with a violation of this regulation and may be disciplinarily dismissed from the college.

“Dangerous Organizations” are defined as unrecognized fraternities, sororities, or other student organizations whose past conduct indicates that affiliation with the organization may pose a health and safety risk to students. Upon obtaining evidence that the activities of an unrecognized student organization may be creating a harmful condition(s), the associate dean for judicial affairs will utilize the established procedural guidelines employed with *recognized* organizations to adjudicate the alleged violations. If the organization is found “responsible” for one or more charges, the group may receive the “Dangerous Organization” designation. Such a finding is appealable to the vice president for student affairs. Should the designation be upheld, the college will add the organization to a publicly viewable list (see below) and notify all known members of the organization.

If you are unsure if a student organization is expelled or designated as a “Dangerous Organization,” please contact the Office of Student Engagement (x4075), the Office of Student Conduct (x4065), or the vice president for Student Affairs (x3911) to determine the status of any group with which you may wish to affiliate.

The wearing of Greek letters, insignia, or identifying symbols of an expelled or “Dangerous Organization,” and/or possession of any organizational objects (e.g. certificates, plaques, paddles, etc.) from the aforementioned group may be viewed as evidence of affiliation.

*\*In those instances where the student presents to the appellate officer mitigating circumstances regarding the severity of the sanction imposed, the appellate officer may choose to impose a lesser sanction.*

- 3.15 Continuing Duty to Report Arrests and Convictions to the College:** Students have a continuing duty to notify the College, within 10 business days, of any *external* arrest (i.e. not effected by University Police), conviction, or issuance of a protective order. A form is provided by the Office of Student Conduct for disclosing such information and must be submitted in person.

*Range of Sanctions: Disciplinary Warning to Expulsion*

Information: This policy pertains to arrests or convictions for violation of federal, state, or local laws, or laws of other countries, excluding minor traffic violations that do not include injury to others. An arrest includes the issuance of a written citation or summons regardless of whether the student is taken into custody by law enforcement. Charges related to reckless driving and driving under the influence of alcohol or other drugs are not

"minor traffic violations" and must be reported. This duty applies *regardless* of where the arrest occurred and regardless of whether the College is in session at the time of the arrest or conviction.

## Section Four – DEMONSTRATIONS AND PUBLIC GATHERINGS

**Philosophy and Rationale:** If the College is to succeed in its pursuit of truth and dissemination of knowledge in an atmosphere where freedom of inquiry flourishes, the College must provide an institutional framework that encourages debate and freedom of intellectual endeavor without fear of consequences. The administration, faculty, and students of the college have the right of dissent and demonstration provided that they do not violate the freedom of speech, choice, assembly, or movement of other individuals or groups.

A demonstration is a public assemblage of a person or persons exhibiting sympathy with or opposition to some political, economic, or social condition or movement. The intent of the demonstrator(s) is to persuade opinion by focusing public attention on a problem by publicizing the beliefs of those participating in the demonstration. Demonstrations are to be confined to public areas of campus facilities and may be limited by time, place, and manner as to not disrupt classes, the residential environment, or the overall educational mission of the College. Students who wish to conduct demonstrations need to notify University Police.

- 4.1 a. Obstruction:** Prohibiting access and/or egress from buildings and campus paths, streets, and roads will not be permitted.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

- 4.1 b. Right of Passage:** Demonstrations must allow privacy for student job seekers who wish to discuss their personal career plans with an interviewer.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 4.1 c. Disruption/Obstruction:** Obstructing or interfering with College functions or any College-related activity is not permitted.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

- 4.1 d. Civil Disturbance:** Any conduct (to include but not limited to inciting riotous behavior) which involves disturbing the peace or interfering with the educational mission of the College and/or the Village of Alfred community during or in conjunction with a disturbance is not permitted

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

- 4.1 e. Littering:** Littering constitutes the throwing, dumping, or depositing of trash or refuse of any kind. This destroys the campus environment as well as detracts from its appearance. Violators will be subject to campus disciplinary action and/or civil action.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

## Section Five – SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, & BIAS-RELATED HARASSMENT

**Philosophy and Rationale:** Alfred State expressly prohibits the sexually aggressive behavior noted below or acts of discrimination. Students found engaging in these behaviors will be subject to criminal charges and prosecution under local and state laws. There are four types of charges of sexual misconduct: nonconsensual sexual intercourse, nonconsensual sexual contact, sexual exploitation, and sexual harassment. Section 5.2, *Bias-Related Harassment*, states that any violation of the Code of Conduct motivated by a consideration (real or perceived) of age, disability, race, ethnicity, gender, gender expression and identity, language heritage, learning style, national origin, sexual orientation, religion, social-economic status, status as a veteran, or world-view is prohibited. This section also includes policies adopted by the College pursuant to the Campus SaVE Provisions of the Violence Against Women Act (VAWA). Specifically, this includes policies prohibiting dating violence, domestic violence and stalking.

Sexual misconduct, bias-related, domestic/dating violence and stalking violations are considered offenses of sufficient gravity to warrant the possible interim suspension of a student prior to a hearing as outlined in the section titled “Interim Suspension” of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regard to disorderly/disruptive conduct or acts of violence (assault, sexual misconduct, bias-related crime) off campus, it may also choose to hold the student accountable through the campus disciplinary process. Please see the *Rights of Respondents (accused) and Complainants (victims)* as they pertain to cases of sexual misconduct and bias-related harassment. As with all alleged violations of the Student Code of Conduct, the evidentiary standard used to determine whether sexual misconduct or bias-related-harassment has occurred is known as *preponderance of the evidence*. In other words, the administrative hearing officer or sexual misconduct panel will render a decision based upon whether it is *more likely than not* that the prohibited conduct has occurred.

**Definition of Affirmative Consent:** Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

**Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases:** 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. Alfred State recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a sexual violence incident occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Alfred State strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a victim/survivor reporting sexual violence to Alfred State officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

- 5.1 a. Nonconsensual Sexual Intercourse:** Engaging in sexual intercourse, however slight, with another person without seeking and obtaining *affirmative consent* is prohibited. Sexual intercourse is defined as vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

*Sanctions: Disciplinary Suspension or Disciplinary Expulsion* (see below for additional details)

- 5.1 b. Nonconsensual Sexual Contact:** Engaging in a sexual contact, however slight, without seeking and obtaining affirmative consent is prohibited. This includes sexual contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

*Sanctions: Disciplinary Probation, Deferred Suspension, Suspension, or Expulsion* (see below for additional details)

- 5.1 c. Sexual Exploitation:** It is prohibited for a student to take nonconsensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

*Sanctions: Disciplinary Probation, Deferred Suspension, Suspension, or Expulsion* (see below for additional details)

Information: Examples of Sexual Exploitation include, but are not limited to the following:

- Recording still or video images of another person engaged in a sexual act or of an *intimate body part* without that person's consent ("intimate part" is defined by NYS Penal Law §245.15 as, "the naked genitals, pubic area, anus, or female nipple").
- Making an audio recording of another person engaged in a sexual act without that person's consent.
- The disseminating or publishing of such images or audio without the subject's consent (e.g. "revenge porn").
- Otherwise allowing a third party to observe a sexual act or intimate part without the consent of all persons involved.
- Engaging in sexual activity with another person while knowingly infected with a sexually transmitted infection (STI) or sexually transmitted disease (STD), and without informing the other person of the infection/disease.
- Removing or intentionally damaging a contraceptive during a sexual act without the other person's knowledge and/or consent (i.e. "stealthling").

- 5.1 d. Sexual Harassment:** Sexual harassment is conduct, including physical contact, advances, and comments in person and/or via phone, text message, email, or other electronic medium, that is (a) unwelcome; (b) based on sex or gender stereotypes; and (c) is so severe or pervasive that it unreasonably interferes with a person's academic performance or equal opportunity to participate in or benefit from College programs or activities.

*Sanctions: Disciplinary Probation, Deferred Suspension, Suspension, or Expulsion* (see below for additional details)

Information: Unless accompanied by allegations of nonconsensual sexual intercourse, nonconsensual sexual contact or sexual exploitation, a charge of sexual harassment is heard as an Administrative Hearing instead of by the College's Sexual Misconduct Committee.

- 5.2 a. Dating Violence:** Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two or more people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall

constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

*Sanctions: Disciplinary Probation, Deferred Suspension, Suspension, or Expulsion (see below for additional details)*

- 5.2 b. Domestic Violence:** Domestic violence is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

*Sanctions: Disciplinary Probation, Deferred Suspension, Suspension, or Expulsion (see below for additional details)*

- 5.2 c. Stalking:** Stalking is intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for their 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 them.

*Sanctions: Disciplinary Probation, Deferred Suspension, Suspension, or Expulsion (see below for additional details)*

**Sanctions & Special Conditions:** In accordance with New York State Education Law Article 129-B, all possible sanctions which may be imposed for acts of domestic violence, dating violence, stalking, or sexual assault must be specified. The following list indicates the minimum and maximum duration that the sanctions listed above may be imposed:

- **Disciplinary Probation** – Will minimally be imposed for the remainder of the current semester and in one-semester increments thereafter up to a maximum period of 8 semesters.
- **Deferred Suspension** – Will minimally be imposed for the remainder of the current semester and in one-semester increments thereafter up to a maximum period of 8 semesters.
- **Suspension** – Will minimally be imposed for the remainder of the current semester and in one-semester increments thereafter up to a maximum period of 8 semesters.
- **Expulsion** – Expulsion is a permanent status.

In addition to receiving a *sanction*, students found responsible for acts of domestic violence, dating violence, stalking, or sexual assault may also be assigned *special conditions*. Special conditions which *may* be imposed include: no contact orders, banning from residence halls, banning from the entire campus (i.e. persona non grata), completion of a reflective essay, completion of a drug/alcohol program, completion of an anger management program, housing restrictions, housing relocation, parent/guardian notification, completion of an educational project, counseling assessment, restitution, loss of visitation privileges, and remaining on a Disciplinary Probation status for 1 year after returning from suspension.

The College's *Sexual Violence Victim/Survivor Bill of Rights* can be found in Appendix A of this document.

The College's *Sexual Violence Response Policy* can be found in Appendix B of this document.

- 5.3 Bias-Related Harassment:** Any violation of the Code of Conduct motivated by a consideration (real or perceived) of age, disability, race, ethnicity, gender, gender expression and identity, language heritage, learning style, national origin, sexual orientation, religion, socio-economic status, status as a veteran, or world-view is prohibited.

*Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion*

**Information:** A disciplinary charge of bias-related behavior that results in a finding of responsibility may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation. Engaging in a course of conduct as described above may be a single incident or occur over a period of time. Allegations of bias-related harassment are heard by the College's Student Conduct Committee.

Most often, as in the case of bias-related or sexual harassment, violations of this regulation represent behavior that objectifies a personal attribute, singling it out for ridicule, attack, or disparagement. Attributes include, but are not limited to,

- Age, disability, race, ethnicity, gender, gender expression and identity, language heritage, learning style, national origin, sexual orientation, religion, socio-economic status, status as a veteran, or world-view;
- Harassment may include physical contact such as toughing or patting, written or oral comments or suggestions, or offensive pictures or “jokes,” hostile or threatening gestures, or other forms of degradation.

Bias-Related Harassment is included in this section of the Code of Conduct due to many shared processes which are used when adjudicating sexual misconduct, dating violence, domestic violence, stalking, and bias-related harassment cases.

## Section Six – RESIDENCE HALL ACCESS AND ROOM VISITATION

**Philosophy and Rationale:** The following section outlines the room visitation policy for Alfred State. A copy of this policy and any subsequent visitation rules and regulations must be given to each resident upon their registration in that residence hall. Its purpose is to formulate and communicate the minimum requirements for safeguarding the rights of the individuals and for providing security for the residence hall and its residents.

It will be the responsibility of each student to make every reasonable effort to resolve visitation conflicts. If an individual problem cannot be settled with the assistance of the student staff, the student staff member will approach the residence hall director and request their advisement. The residence hall director will suggest possible courses of action to settle the dispute.

The use of residence hall facilities is limited to residents and their visitors and/or overnight guests complying with regulations established by the Student Conduct Code and by each residence hall. Any unaccompanied non-resident may be deemed a trespasser and may be subject to immediate removal from the residence hall.

The residence hall director, with the approval of the department head, shall have the authority to revoke visitation privileges for a residence hall, a floor, or an individual. The following will constitute grounds for loss of privileges: continued inability or unwillingness to accept the responsibilities of visitation in a mature, considerate manner; any unaccountable physical damage within the residence hall; and any unregistered overnight guest/visitor whose presence is known by one or more residents. If necessary, guests whose privileges have been revoked may be escorted from a residence hall by University Police.

The residence hall environment is a living/learning community which respects all students’ rights to personal privacy, free access to living accommodations, an atmosphere conducive to study, and the personal safety and protection of personal property.

It will be the responsibility of each student to make every reasonable effort to resolve conflicts involving questions of equal yet opposing rights and cases pertaining to infringement of personal rights, such as:

- 6.1 a. Responsibilities of Hosts:** It is the responsibility of student hosts to abide by all rules and regulations set for the in the Student Code of Conduct and Residential Life policies, and ensure that their guests also adhere to College policy.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

Information: The following list itemizes the specific responsibilities and liabilities of student hosts:

- A *visitor* is any person who is not a resident of the host’s building and does not remain overnight. When present in a residence hall between 10 p.m. and 1 a.m. Sunday – Thursday or 10 p.m. and 3 a.m. Friday and Saturday, all visitors must register with the student staff and obtain a visitor’s pass. Failure of the visitor to leave the residence hall and to return the visitor’s pass will result in disciplinary sanctions.

- An *overnight guest* is any person who is not a resident of the residence hall and remains after 1 a.m. (Sunday – Thursday) or 3 a.m. (Friday and Saturday). Guests are given an overnight guest identification form which must be completed and carried at all times and presented upon request by University Police, residence hall director, or student staff.
- If a student (host) has a visitor/overnight guest in the building after 10 p.m., it is the responsibility of the host to ensure that the visitor/overnight guest registers with residence hall staff.
- No more than two overnight guests or visitors per resident at one time are allowed.
- A visitor or guest, registered with a student, is limited to three overnight visits within a 10-day period. Residence Life professional staff may grant extensions.
- Infringement of a roommate’s personal rights and property is not permitted.
- Overnight guests are not permitted during *intensive study hours* without prior approval of the residence hall director.
- All non-residents must be escorted by a resident host. Study groups after 10 p.m. are possible in assigned areas with prior permission of the residence hall director.
- Lavatory facilities may only be used as designated by Residential Services. Violators may be subject to immediate removal.
- The host must make certain that the visitor/overnight guest knows and adheres to College and residence hall rules and regulations. The host will be responsible for the action of the visitor/overnight guest including any financial responsibility for damage done by the visitor/overnight guest.
- Rooms may not be used by any person(s) without a resident of the room present. Each resident is responsible for any and all activity which occurs in their own room.
- If a student allows a non-resident access to a residence hall, the student host is responsible for the guest’s behavior and/or cost of any damage done.
- If a student is a visitor or guest in another residence hall, it is the responsibility of both the student and host to see that the student is registered. If the person enters the building before 10 p.m., they must sign in at 10 p.m. with student staff. Failure to register a visitor is grounds for disciplinary action against both the host and the guest(s).
- Gaining or permitting access to a residence hall through a door other than the one designated as the main entry will result in disciplinary action.
- Visitors under the age of 17 must be signed in with a family member and have one-day prior written parent/guardian permission. Minor visitors, as in all guests, must be supervised at all times by their student host.

**6.1 b. Responsibilities of Visitor/Guests:** It is the responsibility of both students and non-students to adhere to all rules and regulations set forth in the Student Code of Conduct and Residential life policies when visiting Alfred State students on College premises.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

Information: The following list itemizes the specific responsibilities and liabilities of visitors/guests:

- A *visitor* is any person who is not a resident and does not remain overnight. When present in a residence hall between 10 p.m. and 1 a.m. Sunday – Thursday or 10 p.m. and 3 a.m. Friday and Saturday, all visitors must register with the student staff and obtain a visitor’s pass. Failure of the visitor to leave the residence hall and to return the visitor’s pass will result in disciplinary sanctions.
- An *overnight guest* is any person who is not a resident of the residence hall and remains after 1 a.m. (Sunday – Thursday) or 3 a.m. (Friday and Saturday). Guests are given an overnight guest identification form which must be completed and carried at all times and presented upon request by University Police, residence hall director, or student staff.
- A visitor or guest, registered with a student, is limited to three overnight visits within a 10-day period, Residence Life professional staff may grant extensions.
- Overnight guests are not permitted during *intensive study hours* without prior approval of the residence hall director.



- All non-residents must be escorted by a resident host. Study groups after 10 p.m. are possible in assigned areas with prior permission of the residence hall director.
- Lavatory facilities may only be used as designated by Residential Services. Violators may be subject to immediate removal.
- The host must make certain that the visitor/overnight guest knows and adheres to College and residence hall rules and regulations. The host will be responsible for the action of the visitor/overnight guest including any financial responsibility for damage done by visitor/overnight guest.
- Rooms may not be used by any person(s) without a resident of the room present. Each resident is responsible for any and all activity which occurs in their own room.
- If a student is a visitor or guest in another residence hall, it is the responsibility of both the student and the host to see that the student is registered. If the person enters the building before 10 p.m., they must sign in at 10 p.m. with the student staff. Failure to register a visitor in grounds for disciplinary action against both the host and the guest(s).
- Gaining or permitting access to a residence hall through a door other than the one designated as the main entry will result in disciplinary action.
- Visitors under the age of 17 must be signed in with a family member and have one-day prior written parent/guardian permission. Minor visitors, as in all guests, must be supervised at all times by their student host.

Alfred State students found to be in violation of guest policy or other violation of the Student Code of Conduct while visiting another residence hall may be banned from the residence hall where the infraction occurred.

Non-Alfred State students visiting the campus and believed to be involved in a violation of this policy or the Student Code of Conduct may be immediately banned from the campus.

- 6.2** Entering a residence hall during a period of limited access without showing proper identification is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

## Section Seven – FIRE AND SAFETY EQUIPMENT

**Philosophy and Rationale:** The College considers tampering with fire and safety equipment a dangerous act. A student who actively and maliciously engages in tampering, deactivating, or damaging fire safety equipment, or interferes with emergency operations is endangering his/her life and the lives of others. Violators will be subject to disciplinary action up to and including disciplinary suspension, as well as possible criminal prosecution.

- 7.1 A. Candles:** Burning of candles and incense is not permitted in the residence hall.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

Information: A burnt wick maybe viewed as evidence that a candle was burned in violation of this regulation.

- 7.1 b. Tampering with fire equipment:** Tampering with fire alarms, emergency blue lights, extinguishers, pull stations, smoke/heat sensors, and any other safety devices is prohibited.

*Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion*

- 7.1 c. Postings & Fire Safety:** Any item hung from doorways and/or windows that impedes an individual's (e.g., emergency personnel) exit is prohibited. In addition, not more than 10% of any door surface or wall space may be covered by posters, decorations, or any other item.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

- 7.1 d. Interference:** Interfering with emergency operations, such as police, fire, or ambulance personnel in the course of their official duties is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

Information: Violation of this regulation is also a violation of the NYS Penal Law and may be criminally charged.

- 7.1 e. Appliances:** Electrical appliances are prohibited in residence halls (e.g., toaster ovens, microwave ovens, extension cords of any type, any cooking equipment {with exception of hot pots, coffee makers, and hot air popcorn poppers}, hot plates, or anything with an open or exposed heating element, amplifiers, or an excessive number of speakers, and air conditioners.) Town House residents are permitted those appliances listed in their *License for Residence*.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

Information: Cooking is permitted in the Townhouse Complex with exception of the use of any appliance with any open or exposed heating element.

- 7.1 f. Evacuation:** Failure to comply with College requirements regarding evacuation of buildings during an alarm or fire drill is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation (denial of campus residency may be an appropriate special condition depending on the circumstances involved)*

- 7.1 g. Door Propping:** The propping of any fire or exterior door (with any object including a fire extinguisher) is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 7.2 a. Room Decorations:** Alcohol/drug promotional/decorative items (e.g., beer signs, lamp shades, empty bottles filled with highlighter, etc.) are not permitted in residence hall windows, displayed on the outside of room doors, or in public lounges; individuals, organizations, teams, or clubs are not allowed to use images of alcohol (e.g., flyers, posters, and/or by electronic means) to promote events or their organizations. Favors to commemorate specific campus events for students under 21 may not include beer mugs, wine glasses, brandy glasses, flasks, shot glasses, or other alcohol-related paraphernalia to promote events or their organizations.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

- 7.2 b. Alcohol Paraphernalia:** Items including kegs, beer balls, and taps are not permitted on campus. In addition, students under the age of 21, the possession of other alcohol paraphernalia (e.g., cans bottles, empty cases) is also prohibited.

*Range of Sanction: Disciplinary Warning to Disciplinary Probation.*

## Section Eight – FIREARMS, AMMUNITION, KNIVES, AND DANGEROUS WEAPONS

Violations that result in serious physical injury, or injury resulting from the use of a deadly weapon or dangerous instrument, shall be considered offenses of sufficient gravity to warrant immediate suspension of a student prior to a hearing as outlined in the section titled “Interim Suspension” of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regard to disorderly/disruptive conduct or acts of violence (assault, sexual

misconduct, bias-related crime) off campus, it may also choose to hold the student accountable through the disciplinary process.

- 8.1 a. Weapons I:** Firearms, ammunition, knives, and dangerous weapons are not allowed at Alfred State at any time unless given written permission by the College president. This regulation is in compliance with NYS Law, covered under Article 265 of the Penal Law and regulations passed by the NYS Legislature, Firearms include, but are not limited to, any pistol, revolver, shotgun, or rifle. Knives and dangerous weapons include, but are not limited to, dart guns, electronic stun gun, gravity knife, switchblade knife, metal knuckle knife, cane sword, billy, blackjack, metal knuckles, Chaka sticks, slingshots, and “Kung Fu Stars.” Students may apply at University Police for a permit to possess archery tackle on campus. However, arrows are prohibited in all College facilities except for specially designated areas (i.e. archery ranges). No more than two pocket knives, not exceeding a three-inch blade, are permitted; however, pocket knives may be confiscated by authorities as deemed necessary.

*Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion*

Administration of Severe Incidents: In instances where a weapon has been used in a threatening or assaultive manner, or in a manner that otherwise causes panic or alarm, the minimum sanction that may be imposed is *Disciplinary Suspension*.

- 8.1 b. Weapons II:** The College also considers air guns, paintball guns, B-B guns, and slingshots to be dangerous, and they are prohibited. This article is inclusive of all instruments banned under Article 265 of the NYS Penal Law. Offenders will be subject to campus disciplinary action and/or criminal prosecution and liable to civil prosecution. In compliance with this law, University Police will not accept requests to safe-keep or hold firearms, ammunition, knives, or dangerous weapons belonging to any individuals, offices, or agencies of this institution.

*Range of Sanctions: Disciplinary Probation to Disciplinary Suspension*

Administration of Severe Incidents: In instances where a weapon has been used in a threatening or assaultive manner, or in a manner that otherwise causes panic or alarm, the minimum sanction that may be imposed is *Disciplinary Suspension*.

- 8.1 c. Self-Defense Sprays:** A person 17 years of age and younger or persons who have been convicted of a felony or any assault in/outside of New York State are not permitted to possess or use self-defense spray devices. Section 265.20 (14) of the NYS Penal Law defines a self-defense spray device as a pocket-sized spray device that contains and releases a chemical or organic substance that, when directed at another person, is intended to produce temporary physical discomfort or disability against another person.

*Range of Sanction: Disciplinary Probation to Disciplinary Suspension*

## Section Nine – EXPLOSIVES/FIREWORKS

**Philosophy and Rationale:** The College considers the use and/or possession of explosive devices and fireworks to be in violation of the Student Code of Conduct.

- 9.1 a. Explosives & Fireworks:** Explosives or explosive devices containing an explosive or inflammable compound of any tablets or other devices commonly used and sold as fireworks, or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, are prohibited on campus (with exception of a College-sanctioned event) in accordance with NYS Penal Law Article 270. In addition, compressed gases and flammable liquids may not be stored in residence halls.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

**Information:** The College considers use or possession of fireworks as a dangerous act and violators will be subject to disciplinary action and/or criminal prosecution. This regulation may be conditionally waived for temporary periods by the College president for College-sanctioned public fireworks displays.

**Administration of Severe Incidents:** Individuals charged with this violation that have allegedly placed others in significant harm's way (e.g., the use of explosives to cause harm to another) will have this matter heard by the Student Conduct Committee.

- 9.1 b. Arson:** The deliberate setting of a fire on College property is a very serious offense. Such behavior that is prohibited under this regulation includes, but is not limited to, creating or causing a bonfire, lighting trash, and lighting materials on a bulletin board or a door. These actions will be treated as deliberate attempts to start a fire.

*Range of Sanctions: Disciplinary Suspension to Disciplinary Expulsion*

## Section Ten – GAMBLING

- 10. Gambling:** In accordance with NYS Penal Law Article 225, gambling, which consists of a person staking or risking something of value upon the outcome of a contest, is prohibited on College property. Offenders will be liable for campus disciplinary action and/or civil action.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

## Section Eleven – ASSAULT AND HARASSMENT (*Physical, Verbal & Electronic*)

Violations resulting in serious physical injury, or physical injury resulting from the use of a deadly weapon or dangerous instrument, shall be considered offenses of sufficient gravity to warrant immediate suspension of a student prior to a hearing as outlined in the section titled "Interim Suspension" of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regards to disorderly/disruptive conduct or acts of violence off campus, it may also choose to hold the student accountable through the campus disciplinary process.

- 11.1 Assault:** Assault, physical abuse, causing physical injury or bodily harm, or other forms of physical contact which threaten or endanger the health, well-being, or safety of any person or which intentionally inflicts psychological or bodily harm upon any person ("any person" as used in this section may include one's self) are prohibited.

*Range of Sanction: Disciplinary Probation to Disciplinary Expulsion*

**Information:** Many students found responsible for violating this regulation have been dismissed from the College and also have been subject to criminal prosecution and possible incarceration.

- 11.2 Physical/Verbal/Electronic Harassment & Bullying:** Verbal abuse, threats, physical harassment, intimidation, bullying, stalking, coercion (written or oral), physical conduct which threatens or endangers the health, well-being, or safety of any person, or that intentionally inflicts psychological or bodily harm upon any person is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

## Section Twelve – THEFT & POSSESSION OF STOLEN PROPERTY

- 12.1 Theft:** Taking and/or stealing property other than one's own, or failing to return another's property is theft and is prohibited. Theft of services, use of another's PIN or student ID (800#) is also prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

**12.2 Possession of Stolen Property:** Possession of property (considered here as stolen) is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

Information: Past violations of this regulation have included possession of municipal road signs, traffic cones, construction lights, construction signs, street signs; theft of College equipment (including residence hall furniture or lounge and common area furniture on campus) or campus services (residential room use, cable, laundry, food, meals, vending machines, computer, software, telephone service); tampering with College equipment; possession or use of another person's room key; and removal of College furniture and equipment without written authorization from the College; and any behavior that constitutes a violation of theft or possession of stolen property under federal or State laws.

Please note that some students have been charged with a violation of this regulation as a result of being in possession of stolen property and not having a traceable bill of sale of the item purchased. Students need to be careful when purchasing an item from a person not known to them, as they may be selling stolen property. If another person sells an item to you, you need to get their name, address, and phone number when you accept the purchase. Students charged with a violation of this regulation can also be charged criminally and be subject to court fines and possible incarceration.

## Section Thirteen – MOTOR VEHICLES AND MOTORCYCLES

**Philosophy and Rationale:** Motor vehicles and motorcycles operated and/or parked on the campus are subject to campus regulations as well as local, state, and federal laws. Rules affecting the operation and parking of vehicles are described in the "Parking Rules & Regulation" brochure. Students will be notified at least one week prior to changes in parking regulations unless special circumstances necessitate a more rapid change.

**13.1 b. Prohibited Vehicles:** Snowmobiles, miniaturized motorcycles (including electric-powered), and all-terrain vehicles may not be operated on College-owned areas unless otherwise authorized by an appropriate College official.

*Range of Sanctions: Disciplinary Warning to Disciplinary Probation*

**13.1 c. Vehicle Storage:** All motor vehicles, motorcycles, mopeds, or other fuel-powered engines, assembled or disassembled, may *not* be kept or operated in College facilities unless otherwise authorized by an appropriate College official.

*Range of Sanction: Disciplinary Warning to Disciplinary Probation*

## Section Fourteen – THE CONDUCT OF ORGANIZATIONS

**Philosophy and Rationale:** Student organizations are subject to all expectations herein the same as any individual student. Organizations are responsible for ensuring that the events they host, and the behavior of attendees, is consistent with the Student Code of Conduct as well as federal, state, and local laws. In addition, organizations may be held responsible for the conduct of *individual* members in situations where (a) the organization was aware or should have been aware of the misconduct in *advance* but did not report the concern, (b) the organization became aware of the misconduct *after* the act occurred but did not report the concern and/or attempted conceal the behavior, or (c) the organization otherwise encouraged, aided, or abetted the misconduct. It is not the intent that any organization or member should directly intervene in a potentially unsafe situation. Instead, it is the expectation that the organization will appropriately report the concern to the appropriate personnel or authorities in a timely manner.

**14. Organizational Misconduct:** Organizations are expected to uphold all College policies the same as individual students and are responsible for ensuring that sponsored events, and those in attendance, also conform to the Student Code of Conduct. Organizations may be charged for *individual* member misconduct when the group aids

or abets such conduct. In addition, organizations that recruit or accept members in breach of College policy may also be charged with violating this regulation.

*Range of Sanctions: Organizational Warning to Organizational Expulsion*

Information: If an organization is found responsible for violating this regulation, and there is reason to believe that affiliation with the group may pose a health or safety risk to students, a designation of “dangerous organization” may be applied (see Section 3.14 - *Regulations Regarding Membership into Expelled and Dangerous Organizations*).

Groups or other associations of students *not* formally recognized by the College may also be charged for misconduct under this regulation. In such instances, the same processes for recognized organizations will be utilized regardless of the membership’s willingness to participate. Such groups are also subject to designation as a *dangerous organization*.

Additional information concerning how alleged organizational misconduct is addressed can be found in the “Disciplinary Hearing Bodies” section of this document.

## Section Fifteen – HAZING REGULATIONS

- 15.1 Hazing – Life Safety:** Any organization, individual, or agency not acting in accordance with the Alfred State Hazing Regulations and the NYS Penal Code will be subject to disciplinary action.

*Range of Sanctions (individuals): Disciplinary Probation to Disciplinary Expulsion*

*Range of Sanctions (organization): Disciplinary Suspension to Disciplinary Expulsion*

Information: Organizations which operate upon the campus of Alfred State or upon the property of Alfred State used for educational purposes or any recognized organizations operating off campus, shall be prohibited from taking any action, creating or participating in the creation of any situation which recklessly or intentionally endangers the mental or physical health of any person, or which involves the forced consumption of alcoholic beverages or drugs by a person for the purpose of initiation into or affiliation with any organization. Any organization which permits the prohibited conduct described shall be subject to the permanent rescission of permission to operate upon the campus or upon the property of the state-operated institution used for educational purposes; or, in the alternative, a period of suspension of said permission to operate; or probationary status with supervised conditions of operation. The penalty provided in the subdivision shall be in addition to any penalty which may be imposed pursuant to the Penal Law and any other provision of law, or to any penalty to which an individual may be subject pursuant to 8 NYCRR 535.

Section 6450 (1) of the Educational Law requires that the provisions of 8 NYCRR 535, which prohibits reckless or intentional endangerment to health of forced consumption of alcoholic beverages or drugs for the purpose of initiation into or affiliation with any organization, shall be deemed to be part of the bylaws of all organizations which operate upon the campus of any state-operated institution used for educational purposes. The statute further requires that each such organization shall review these bylaws annually with individuals affiliated with the organization.

Alfred State also enforces local, state, and federal laws, specifically including, but not limited to, NYS Penal Law, NYS Education Law, and New York Code Rules and Regulations (NYCRR).

Under the Penal Law, a person can be found guilty of hazing in the first degree (a Class A misdemeanor) if the person is found to be “intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury” (Penal Law, 120.16). An offense designated as hazing in the second degree (a violation) incorporates a nearly identical definition except that no

actual injury to any person need be proved (Penal Law, 120.17). A conviction of this offense can carry up to 15 days in jail, a monetary fine, and community service obligations.

Whenever the chief administrative officer has determined on the basis of a complaint or through personal knowledge that there are reasonable grounds to believe that a violation(s) of these provisions exists by any organization, written charges pertaining to said allegations will be issued to that organization.

Such written charges shall be served upon the principal student officer of the organization by the College. Upon written request by an authorized representative of the organization, the associate dean for judicial affairs, as the vice president for student affairs' designee, shall provide the representative of the organization an opportunity for a hearing. The Student Conduct Committee shall hear or receive any testimony or evidence which is relevant and material to the issues presented by the charge which will contribute to a full and fair consideration therefore and determination thereon. In cases of alleged violations of recognized Greek organizations, the cases shall be heard before the Greek Judicial Board. The organization's representative may confront and examine witnesses against it and may produce witnesses and documentary evidence on its behalf. The Student Conduct Committee (or where appropriate, the Greek Judicial Board) shall submit written findings of fact and recommendations for dispositions of the charge to the associate dean for judicial affairs. Notice of the decision shall be in writing, shall include the reasons supporting such decision, and shall be served on the principal officer of the organization by mail in the manner described in the above paragraph within a reasonable time after such decision is made.

- 15.2 Hazing – Power Imbalance:** Behaviors lacking a legitimate purpose that implicitly or explicitly promote a power imbalance between members or initiates of an organization are prohibited. Activities or practices that breach reasonable standards of mutual respect and/or may foreseeably cause ridicule, embarrassment, or the humiliation of a member or someone seeking membership are likewise prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

Information: This form of subtle hazing may occur during initiation into an organization or in any instance where membership is compelled to participate in activities that are arbitrary and/or nonessential for the effective operation of the organization. Labeling an activity that may constitute power imbalance hazing as "optional" does not exempt it from this policy.

Ultimate determination of whether an activity serves a legitimate purpose is at the discretion of College administration and/or disciplinary hearing bodies, not the organization promoting the conduct. Therefore, organizations are expected to proactively seek clarification about the permissibility of any potentially problematic practice or activity. Both individuals and organizations may be charged with violating this regulation.

Examples of prohibited behavior include but are not limited to: assigning demerits, deception, deprivation of privileges granted to other members, tests on arbitrary information, "line-ups" and drills, socially isolating new members/initiates, name calling or the use of derogatory nicknames, expecting certain items to always be in one's possession, or taking possession of one's items without permission, and/or expecting new members/initiates to (a) perform duties not assigned to other members, (b) refer to other members with titles, so as to suggest subordination, inferiority, or second-class status, and/or (c) to deviate from their normal class study or schedule.

#### Special Dispensation for Self-Reporting Hazing (Hazing Amnesty)

The College recognizes that students may be reluctant to report hazing activity due to a fear of potential consequences for their own conduct. Therefore, a student who acts in good faith to report activity that may fall within the definition of hazing, and who cooperates fully as a witness in the investigation and student conduct process, may not be subject to student conduct sanctions related to their own participation in hazing behavior, as determined by the College in its sole discretion.

In the event amnesty is granted for self-reported behaviors, if evidence is presented that the student has continued to engage in hazing behaviors or has knowledge of hazing activity that was not reported, they may be held accountable for past behavior. Students who choose to report and request amnesty for their own conduct under this policy should know that amnesty does not apply to any criminal or civil action that may be taken by a law enforcement or other agency, including University Police.

## Section 16 – COMPUTER MISUSE AND FRAUD

- 16. Computer misuse and fraud:** Computer misuse and fraud are prohibited under the College’s Acceptable Usage Guidelines and includes the following: obtaining access to the College computers, software, or terminals without proper authorization from the College; obtaining from or giving a password to another person; or deleting, damaging, altering, or causing destruction to College computer equipment, software, or data without proper authorization from the College. Making unauthorized copies or downloading/uploading copyrighted materials (e.g., software, music, and movies) is not permitted.

*Range of Sanctions; Disciplinary Warning to Disciplinary Expulsion*

Information: College computing accounts are for educational purposes only. Hacking is illegal and prohibited under this policy. “Spamming” and any form of mass e-mailing are considered harassing and a violation of this policy. Using unauthorized scripts that result in “crashing” or damaging a College computer or College community member’s computer is a violation of this policy. Downloading or uploading copyright-protected materials without authorization of the copyright owner is a violation of federal law and this policy. For more information, refer to the Alfred State Acceptable Usage Guidelines or contact the Help Desk (607 587-4357).

Past violators have been subject to revocation of computer privileges, disciplinary sanctioning, and prosecution under state and/or federal laws, civil fines, possible arrest, and/or incarceration.

## THE ADMINISTRATION OF THE CONDUCT CODE

The vice president for student affairs has responsibility for all cases of nonacademic misconduct. It is the responsibility of the Office of the Vice President for Student Affairs to coordinate and evaluate the judicial process of the College. The vice president for student affairs designates the associate dean for judicial affairs as the staff member responsible for the daily administration of student violations of the student code of conduct.

### Reporting Potential Code of Conduct Violations

All members of the campus community and others can report alleged violations of College regulations. They can do so by submitting a written complaint to an administrative hearing officer (residence hall directors), or the associate dean for judicial affairs. The associate dean for judicial affairs can assist any College member in writing a complaint and/or preparing a case against another student.

### Routing Disciplinary Cases

When an allegation of student misconduct is received by the Office of Student Conduct, it will be reviewed to determine if a disciplinary case should be opened. The following table is used to determine whether a student’s charges will be heard by the Residential Conduct process, by an administrative hearing officer, or the College’s Student Conduct Committee (Level B) based upon the nature of the alleged misconduct.

The following table summarizes how cases are routed in the College’s disciplinary system. If a student is alleged to have violated multiple regulations, their most serious charge (reading left to right in the table below) determines the body



responsible for hearing the case. Violations of sexual misconduct are heard by specialized panels of the Student Conduct Committee. (See *Procedures for Hearing Cases of Sexual Misconduct* for additional information.)

<b>Regulation Section Title</b>	<b>Residential</b>	<b>Administrative</b>	<b>Conduct Cmte.</b>
	Alleged violations that may be heard by Student Hearing Officers	Alleged violations heard by Administrative Hearing Officers	Alleged Violations heard by the Student Conduct Committee or Specialized Panel
1. Alcoholic Beverages		1.1, 1.2, 1.3* & 1.4	
2. Drugs		2.0, 2.1	2.2
3. Disorderly & Irresponsible Conduct	3.5 b., 3.6, 3.6 a., 3.7, 3.8 a., 3.8 b., 3.8 c., 3.8 d., 3.8 e., 3.8 f., 3.10, 3.11	3.5 a., 3.1 b., 3.1 c., 3.2 a., 3.2 b., 3.4 a., 3.4 b., 3.5 c., 3.9, 3.12, 3.13, 3.15	3.14
4. Demonstrations & Public Gatherings	4.1 e.	All other Section 4 regulations	
5. Sexual, Dating, Domestic & Bias-Related Misconduct		5.1 d.	5.1 a., 5.1 b., 5.1 c., 5.2, 5.3 a., 5.3 b., 5.3 c.
6. Residence Hall Access	6.1 a., 6.1 b., 6.2, 7.1 a.		
7. Fire & Safety Equipment	7.1 c., 7.1 e., 7.1 f., 7.1 g., 7.2 a., 7.2 b.	7.1 b.*, 7.1 d.	
8. Weapons		8.1 a.*, 8.1 b.*, 8.1 c.*	
9. Explosives/Fireworks		9.1 a.*	9.1b.
10. Gambling		10	
11. Assault & Harassment		11.2	11.1
12. Theft & Possession of Stolen Property		All Section 12 regulations	
13. Motor Vehicles & Motorcycles	13.1 c.	All other Section 13 regulations	
14. Conduct of Organizations			14
15. Hazing			15.1, 15.2
16. Computer Misuse & Fraud		16	

*\*Administration of severe Indents: Individuals charged with violations that have allegedly placed another person in harm's way (e.g., an individual provides alcohol to another where a level of significant alcohol intoxication occurs) or have threatened another person, may have their case referred to the Student Conduct Committee.*

## Notification of Disciplinary Charges

Students charged with a violation of College regulations shall be notified in writing of the charge(s) imposed, the range of sanctions related to the charge(s) applicable, and the date and time scheduled for an *initial conference*. Students can be charged with a violation of College regulations while not enrolled in classes. Students academically dismissed or inactive must answer to the charge imposed prior to returning to the College as an enrolled student. An initial conference provides the student with an opportunity to discuss the procedures of a disciplinary hearing with an administrative hearing officer. Decisions on whether a student is considered responsible for violating a College regulation is determined in a disciplinary hearing (see Disciplinary Hearing Bodies in this section).

## Initial Conferences

An administrative hearing officer shall schedule an initial conference with the accused and shall notify the accused in writing, of the time, date, and place of the meeting which shall generally be conducted within five (5) business days from the time of notification. This initial conference, or *Notice of Disciplinary Charges* letter, will be emailed to the student's Alfred State email account. At the initial conference, the student will review (and receive a copy, if a request is made to this effect) all written documentation that will be presented during an administrative hearing or a hearing with the Student Conduct Committee, ask questions regarding the hearing process, and affirm or negate each charge imposed by the College. Initial conferences generally occur within seven (7) business days from the date of the incident. The student's rights in the disciplinary process, hearing formats, and the range of sanctions that pertain to the charges imposed will also be discussed at the initial conference.

If the student fails to appear at the initial conference, all charges can be considered true and accurate and appropriate administrative action shall be taken by the administrative hearing officer.

## Rights of Students Accused of Violating College Regulations

Students charged with one or more violations of College Regulations (i.e. "Respondents") have a right to:

1. Receive a written statement of initial charges. If requested, students will be allowed to examine any written statements of evidence which the College plans to submit to the hearing body (written statements are normally reviewed at the initial conference).
2. Reasonable time to prepare for the hearing.
3. Be present at the hearing during the presentation of any matters on which a decision may be based.
4. Present an explanation of their situation/circumstances at the hearing and ask individuals to present information on their behalf. However, should students fail to appear at the scheduled time and place, the hearing will be held in their absence.
5. Be accompanied by another member (defined as a registered student, faculty, or staff member) of the campus community to serve as "hearing adviser." A hearing adviser is permitted to advise the student charged in the organization of their thoughts and presentation of materials and can advise the student directly in the hearing. Hearing advisers may not respond to any questions for the accused. Hearing advisers may be present at hearings only.
6. Ask questions of the hearing board/officer and of any witnesses.
7. Present a summary statement at the close of the hearing.

8. A decision of the accuracy of charges by the Student Conduct Committee's hearing board or the administrative hearing officer is based solely upon the evidence and testimony presented at the hearing. If the charges are found to be true, a decision on a sanction can be based upon the hearing and other matters of record.
9. An expeditious hearing of the student's case.
10. A written report of the results and findings of the hearing within four (4) business days of the hearing.
11. Appeal the decision of the hearing board or administrative hearing officer.

If a hearing officer does not object to conducting a respondent's hearing immediately following the initial conference, the student will be given the opportunity to select one of the following courses of action:

1. ***To proceed directly into a residential or administrative hearing (Residential & Administrative charges only)***  
If *both* the hearing officer and respondent do not wish to call any witnesses to participate in the hearing, or those witnesses are already present, and both parties do not require any additional time to prepare for the hearing, the respondent will be given the opportunity to proceed directly into their administrative hearing following their initial conference. Charges requiring the case to be heard before the Student Conduct Committee (Level B) will be scheduled for a date following the initial conference, unless the student and associate dean for judicial affairs (or designee) have agreed to an alternate course of action in advance. In those special circumstances where Level B cases may be heard administratively (see *Student Conduct Committee Hearings*), the respondent may also be given the option of proceeding directly into the administrative hearing following the initial conference.
2. ***To request additional time to prepare for the hearing and/or contact witnesses***  
A student is never compelled to move directly into their hearing unless it their choice to do so. The respondent may request a 48-hour delay of their hearing to provide them with additional time to organize their thoughts and materials, and/or to contact witnesses who may be able to speak on their behalf. It should be noted that only *witnesses of fact* are permitted to appear at disciplinary hearings, although students may choose to submit letters of character reference. If the student fails to appear at their hearing, all charges can be considered true and accurate, and a decision rendered in their absence.
3. ***Request that the case be assigned to a different hearing officer (Level A)***  
If a student has reason to believe that the hearing officer conducting the initial conference cannot be impartial in the proceeding, or some other concern regarding that person's adjudication of their charges, the request may be made to have a different hearing officer assigned to the case. Such a request will be reviewed by the associate dean for judicial affairs (or designee) and the case will be reassigned as determined to be appropriate.

## Disciplinary Hearing Bodies

**Residential Hearings:** Residential Conduct cases are head by specially trained student hearing officers (SHOs) and overseen by the Residential Conduct Coordinator (RCC). The RCC is responsible for scheduling all initial conference and hearings as well as imposing disciplinary decisions recommended by the SHOs. All residential hearings are closed to the public. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense(s). Findings and an explanation of decisions resulting from residential hearings shall generally be rendered in writing within four (4) working days. The RCC may impose sanctions ranging from disciplinary warning to disciplinary probation and may recommend sanctions of suspension and expulsion to the associate dean for judicial affairs.

**Administrative Hearings:** Administrative hearings are conducted by College staff designated by the vice president for student affairs. All administrative hearing officers are trained in the educational merits of disciplinary proceedings and the basic tenets of due process. Administrative hearing officers will review the charge against the accused student and the

evidence presented to support the charge. All administrative hearings are closed to the public. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense(s). Findings and an explanation of decisions resulting from administrative hearings shall generally be rendered in writing within four (4) working days. Administrative hearing officers may impose sanctions ranging from disciplinary warning to disciplinary probation and may recommend sanctions of suspension and expulsion to the associate dean for judicial affairs.

**Student Conduct Committee Hearings:** The Student Conduct Committee is the highest judicial body of the College. This committee is responsible for hearing and considering violations of the Student Code of Conduct that are of a sufficiently serious nature that might lead to disciplinary suspension or expulsion from College. The role of the committee is to hear cases and make recommendations for disciplinary action, suspension, or expulsion to the associate dean for judicial affairs. The associate dean will determine the action to be taken thereafter.

The Student Conduct Committee shall consist of eight students, eight faculty members, and four staff members. Selection to the Student Conduct Committee shall be made by the vice president for student affairs. Appointments shall be made during the spring semester with the normal term of office for students being two years and the normal term of office for faculty and staff members being four years. Terms shall be staggered so that equal numbers of terms expire each year. All members of the Student Conduct Committee must complete a training session with the Office of Student Conduct before they serve on a panel. The associate dean for judicial affairs will serve as the non-voting chair of the Student Conduct Committee. Alternate chairs must attend a training session for chairs that will be conducted by the vice president for student affairs (or designee) and the Committee chair.

The vice president for student affairs shall appoint a staff member to be responsible for administering student judicial affairs. This responsibility is assigned to the associate dean for judicial affairs who will be responsible for convening hearing panels. The associate dean for judicial affairs shall select two students, two faculty, and one staff member to serve on a panel to hear each case as it occurs (forming a five-person panel, of which one is the Committee chair). In the event a five-person panel cannot be convened, the associate dean will convene a three-person panel (one faculty, one staff, and one student member, where either the faculty or staff member will serve as chair of the panel). If neither a five- nor three-person panel can be convened, the case may be heard administratively by the associate dean for judicial affairs. The associate dean may appoint a staff member to present the case to the hearing panel. The Student Conduct Committee will not ordinarily meet during finals week, the summer, or during official College breaks. During these periods, the functions of the committee shall be carried out by administrative hearing officers. Hearings where a sanction of suspension or expulsion can be imposed shall be taped by the chair of the hearing panel. The audio recording can be made available to the accused student if requested for the sole purpose of appealing a disciplinary decision. In these instances, the student will be allowed to listen to the recording in the Office of Student Conduct.

The Student Conduct Committee can hear cases where a sanction of suspension or expulsion is a possible outcome. Cases shall be referred to the Student Conduct Committee by the associate dean for judicial affairs. Hearings shall be private (limited to the complainant, respondent, incident witnesses, hearing advisers, associate dean for judicial affairs, members of the hearing panel) and are not open to the public. The only exception to this clause is when the College has been notified by law enforcement officials that criminal charges have been filed against the respondent. In these instances, only the respondent may have an attorney present solely for the purpose of protecting the respondent against self-incrimination in a future court proceeding. The attorney may not serve in any other capacity during the hearing including speaking on behalf of the respondent or questioning/addressing those present. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense.

Decisions of the hearing panel are final, unless appealed by the accused. However, the hearing panel can only recommend to the associate dean for judicial affairs that a sanction of suspension or expulsion be imposed. Appeals of decisions regarding suspension or expulsion or are heard by the associate dean for judicial affairs or the student conduct committee are reviewed by a three person panel appointed by the vice president for student affairs. Such appeals from a student must be made in writing within two (2) days of receipt of the decision or the matter is considered as final.

A respondent's choice to withdraw after the disciplinary process has been initiated will in no way preclude the College from continuing to adjudicate the matter. A student in this situation will be provided with the same rights and opportunity to take part in the process as if they were enrolled, but disciplinary action may proceed regardless of whether or not the student chooses to participate.

**Organizational Conduct Hearings:** When information is received by the College indicating that a club, organization, or team may have violated the Student Code of Conduct, the assistant vice president for student affairs and associate dean for judicial affairs will review the allegations. Other stakeholders (e.g. the director of athletics, director of student engagement, & Greek judicial board chair) may also be consulted during this initial review. In consideration of the nature of the alleged violation(s), the willingness of witnesses to testify, the available evidence, and what is generally believed to be in the best interest of the College, the assistant vice president and associate dean will determine if the allegations should be addressed through the *formal resolution* process (i.e. Student Conduct Committee or Greek Judicial Board hearing) or if the organization shall be provided the opportunity to participate in the *informal resolution* process.

**Informal Resolution Process:** The informal resolution process is loosely structured and predicated on an expectation of transparency, collaboration, and fair dealing between parties to achieve at a mutually agreeable outcome. Once it has been determined that this process may be a viable approach for addressing an allegation of misconduct, the assistant vice president of student affairs and/or associate dean for judicial affairs will contact the president and advisor of the organization to notify them that information has been received indicating possible misconduct. The president, advisor, and up to four other student representatives will then be invited to participate in an informational meeting. In addition, any other stakeholders or persons with special knowledge may be invited to attend the initial, and any following, meetings.

If the organization chooses to proceed with the informal process, additional meetings will be called as necessary to explore the allegations. The organization may also be asked to provide documentation, statements, or other evidence during this period. At the conclusion of the process, a resolution will be drafted by the College for the organization's review and acceptance. The resolution may contain sanctions, penalties, or other requirements up to and including any which may have been imposed during a hearing (i.e. formal resolution process). If the organization chooses *not* to accept the informal resolution, the allegations will then be referred to the appropriate hearing body for adjudication.

An organization electing to participate in the informal resolution process may choose to exercise its right to a hearing (i.e. formal resolution process) at any time prior to accepting a final resolution. Likewise, the College's representatives may choose to exit the informal resolution process, with cause, and refer the matter to the appropriate hearing body.

*The informal resolution process is only available to an organization if offered by College and may not be an option in all circumstances.*

**Formal Resolution Process:** If engaging in the informal resolution process is determined to be inappropriate for the situation, or if the alleged organization chooses not to participate in that process, the case will be referred to either the Student Conduct Committee or Greek Judicial Board.

If the allegations are referred to the Greek Judicial Board, the policies and procedures included in the Greek Senate bylaws will be observed. If the matter is referred to the Student Conduct Committee, the allegations will be processed in the same manner prescribed for individual students with the following exceptions:

- The assistant vice president for student affairs and the organization's advisor/coach may choose to attend the proceedings. The assistant vice president may also provide input and consult with the conduct committee during the *sanctioning* phase of its deliberations.
- If the organization charged is an *athletic team*, the athletic director (or designee) may choose to attend the proceedings and address the conduct committee. The athletic director (or designee) may also provide

input and consult with the conduct committee during the *sanctioning* phase of its deliberations.

- If the organization charged is a *College-recognized club or organization*, the director of student engagement (or designee) and Student Senate president may choose to attend the proceedings and address the conduct committee. The director (or designee) and Senate president may also provide input and consult with the conduct committee during the *sanctioning* phase of its deliberations.

## Order of Business for Disciplinary Hearings

Unless otherwise determined by the chair of the Student Conduct Committee hearing panel, administrative hearing officer, or residential conduct coordinator, hearings will generally follow the order described below:

- a) Hearing officer/panel introduce themselves and ask all present to do the same.
- b) The hearing officer/chair briefly reviews the hearing procedures as outlined here.
- c) The charges are read by the hearing officer/chair.
- d) The complainant may first present their testimony. The hearing officer/panel may question the complainant at any point during this presentation. The respondent will have the opportunity to question the complainant after this testimony is finished. If the complainant does not present their testimony, or if the College is the complainant, the hearing officer or hearing panel chair may read a summary of the alleged event(s).
- e) When the complainant has finished, the complainant's witnesses will each present testimony, with the hearing officer/panel permitted to ask questions as in step (d) above.
- f) When the complainant has produced the evidence they wishes to present, the respondent will be given the opportunity to present their testimony and witnesses' testimony as in (d) and (e) above. Again, both the hearing officer/hearing panel and complainant will be permitted to question the respondent and his/her witnesses. Character witnesses are not permitted at any disciplinary hearing. Respondents may elect to submit written character references for the hearing panel/hearing officer to review as a part of their deliberations.
- g) When the respondent has produced the evidence they wish to present, the hearing officer/panel may ask further questions of either party or recall witnesses. The hearing officer/panel may call brief recesses at any time to discuss the proceedings, and may ask further questions upon return from any such recess.
- h) The hearing officer/chair may also call witnesses, including expert witnesses from the College staff, to aid the hearing officer/panel in its consideration of the case.
- i) When the hearing officer/panel's questions have concluded, the hearing officer/chair should inform the respondent that a written decision will be emailed to them. The hearing will then be adjourned.

## Basis for Findings: Standard of Evidence

The standard or basis for findings refers to the criterion or measure of proof that is used to assess if a student is responsible or not for violating Community Standards.

The basis for findings used during any judicial proceeding is a preponderance of the evidence. A preponderance of the evidence means that the hearing panel/officer found that a level of evidence presented led to more than a 50% finding that a student is in violation of a regulation of these Community Standards and thus responsible for a code violation. An easier way to think about this may be to consider the question, "Is it more likely than not that with the evidence and testimony

presented that the student violated Community Standards?” If the answer is “Yes,” the hearing officer/panel has achieved a preponderance of evidence.

The College uses a preponderance of the evidence as a standard of evidence for student disciplinary hearings because it is the basis for findings that is the most conducive to the academic setting and the educational process found is disciplinary hearings.

## Sanctions and Special Conditions

An important objective of the college Judicial System is that of education of all participants through the judicial process. Sanctions and special conditions such as suspension, probation, and community restitution are not regarded as punishments or controls but rather as educational devices to assist the student in attaining the maturity required to live in society. Suspension may be one way of telling the student that they are not yet ready for the living environment and/or education the College offers. The awareness itself may be a significant step in educating the student in question.

These conditions will vary with each case and may result in restriction from participating in intercollegiate athletics, co-curricular and residential life activities, or involve requirements not academically restrictive in nature and which are intended to be educational in nature. A student may be required to participate in a mentoring and/or counseling relationship as designated by the appropriate hearing body.

The imposition of sanctions and special conditions is based upon the severity of the behavior exhibited by the student and subsequent review of any past disciplinary actions and their outcomes with the student. Repeated offenses are clearly looked upon less favorably by hearing bodies and can lead to more severe sanctions including suspension or expulsion from the College. It is incumbent upon students to learn how to make decisions that will increase their compliance with the College’s community standards and reduce the likelihood of a repeat offense.

**Repeat Offenses:** Students who are found responsible for a code violation and receive a sanction must make every effort to insure they do not have a repeat offense. It is the College policy that a student currently on a sanction cannot receive a lesser sanction for a second offense and that the minimum for a second offense is an extension of the current sanction. This extension can only be extended to the student once while on a sanction. If the student has a third offense while on an extended sanction, the next highest sanction is the *minimum sanction* that can be imposed by the hearing officer/panel.

## Types of Sanctions

All disciplinary status levels listed below are subject to special conditions (specific restrictions and/or extra requirements) as deemed appropriate by the hearing body.

1. **Disciplinary Warning:** A Disciplinary Warning is an official notification to the student that their behavior has been unacceptable. Any additional misconduct may result in further disciplinary action. Disciplinary Warning is for a specific period of time not to exceed one calendar year during which further violations of College regulations will result in more serious sanctions.
2. **Disciplinary Probation:** Probation indicates to a student that their behavior has resulted in a sanction close to disciplinary suspension. It is imposed for a definitive period of time. Disciplinary Probation may be imposed up to a maximum period of 18 months *per each offense*. Any further misconduct on the student’s part when on probation may result in their suspension from the College.

- 3. **Deferred Suspension:** Deferred Suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense, or as the result of *repeated* offenses of a less serious nature.

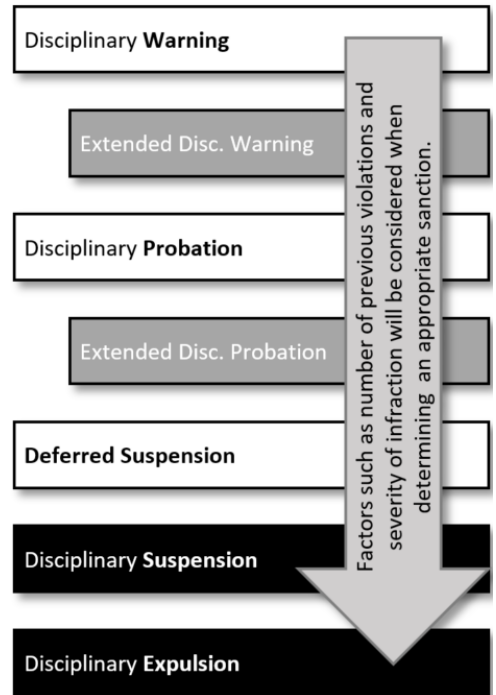
- 4. **Disciplinary Suspension:** Suspension prohibits the student from attending Alfred State and from being present without permission from the vice president of student affairs (or designee) on College property for the duration of the sanction. *Any person in violation of this provision will be subject to arrest, possible fine, and/or incarceration for criminal trespass (sections 140.10 and 140.15 of the NYS Penal Law).* If required by the sanction, students who have been suspended must petition for re-enrollment through the vice president for student affairs or designee. Additional conditions for readmission may be specified. Suspension will be noted on the student’s permanent educational record.

A decision of suspension terminates the person’s status as an enrolled student and prohibits the student from attending classes. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice that the penalty of suspension has been rendered. Reinstatement of conditions for reinstatement, if any, shall depend upon an evaluation by the vice president for student affairs or designee following application for reinstatement by the student. Students who are suspended from the College will not receive any credit for the classes enrolled in at the time of the infraction and residential students are also responsible for full payment of all fees (room, board, college fees) and will not be eligible for any reimbursement.

- 5. **Disciplinary Expulsion:** Expulsion prohibits the student from attending Alfred State and from being present without permission from the vice president of student affairs (or designee) on the property. *Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for trespassing.* Expulsion will be noted on the student’s permanent education record.

A decision of expulsion terminates the person’s status as an enrolled student with no opportunity for reinstatement. An expelled student may not enter onto any part of the campus without specific authorization from the vice president for student affairs. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice that the penalty of expulsion has been rendered. Students who are expelled from the College will not receive any credit for the classes enrolled in at the time of the infraction and residential students are also responsible for full payment of all fees (room, board, college fees) and will not be eligible for any reimbursement.

Please note: A record of disciplinary sanctions may impact a student’s ability to be a resident assistant, student government officer, orientation leader, judicial board member, etc. or participate in International Study Programs. Such a record must be reported on most laws school applications, state bar examiner reports, medical school applications, some graduate school forms, some college transfer forms, and in some instances, job applications particularly for federal or state positions.





### Transcript Notation Policy

In accordance with New York Education Law Article 129-B, for crimes of violence, including, but not limited to sexual violence, that meet the reporting requirements pursuant to the Federal Clery Act established in 20 U.S.C. 1092 (F) (1) (F) (I) (I) – (VIII), Alfred State will make a notation on the transcript of students found responsible after a conduct process that they were “Suspended after a finding of responsibility for a Code of Conduct violation” or “Expelled after a finding of responsibility for a Code of Conduct violation.” For the respondent who withdraws from Alfred State while such conduct charges are pending, the College shall make a notation on the transcript of such students that they “Withdrew with conduct charges pending.”

These same transcript notations will also be made in the event of suspensions or expulsions resulting from conduct which does not otherwise meet the crime reporting definitions noted above. In addition, a transcript notation will be made when a student is placed on an interim suspension status pending the outcome of a disciplinary hearing.

After one year following the conclusion of a suspension, students may appeal seeking removal of the transcript notation. Appeals must be submitted in writing to the Vice President of Student Affairs. Notations for expulsion may not be considered for removal.

### Ineligibility for Refunds

Whenever students are suspended or expelled from the College, they also are not eligible for any refund of tuition or fees (including but not limited to room, board, student activity fee, lab fees) for the semester they were enrolled.

### Types of Special Conditions

Special conditions are the method in which a hearing officer or hearing panel is able to individualize a student’s disciplinary outcome. Special conditions are imposed if it is believed they can help in the growth and development of a student, protect the student or the community, or help to make the community whole.

It is the student’s responsibility to provide the hearing officer with documentation that they have compiled with the special condition. Examples include copies of an apology letter, a note signed by the supervisor that a community service project has been completed, and a written release from a counselor that an alcohol assessment has been completed. Examples of special conditions are listed below:

- **Administrative Relocation:** Requirement to relocate to another room within the residence hall system on a space-available basis.
- **Community Restitution:** The philosophy of community restitution is based on the premise that if you are found in violation of community standards, you have taken something away from the Alfred State community. Therefore, it is the College’s expectation that students assume responsibility for their behavior and restore something back to the on- or off-campus community. Community restitution may take the form of a service project or financial responsibility which provides the student with the opportunity to reflect upon their decision making, the consequences involved with those decisions, as well as the ability to contribute to the community in a positive way. Many of these activities are coordinated through the Office of Student Conduct.
- **Counseling Assessment:** A student may be required to complete a comprehensive substance abuse assessment and/or treatment program and/or a psychological/psychiatric assessment.
- **Educational Project:** Completion of a project specifically designed to help the student understand why the Community Standards violation was inappropriate.

- **Housing Prohibition:** Permanent separation of the student from the residence halls. A person denied campus residency is prohibited from entering any residence hall. *Any person violating this provision can be subject to arrest, possible fine, and/or incarceration for trespassing.*
- **Loss of Privileges:** Denial of specified privileges for a defined period of time (e.g., guests, computer, housing selection, residence hall visitation, operating a motor vehicle on campus, possessing/using sound amplifying equipment in residence, serving as an officer of any recognized student organization (which include varsity sports, intramurals, musical groups, theatrical groups), dining services, representing the College, co-curricular activities, work study, participating in graduation ceremonies, etc.).
- **No Contact Order:** A *no contact* is a condition imposed in instances where it is determined that a student poses a potential threat to another. This condition, specific to a person and/or location, would prohibit the subject of the condition from having any further direct or indirect contact, including e-mail, mail, telephone, etc., with the offended individual. In addition, such a condition prohibits contact by third-parties on their behalf. A no contact condition may be imposed summarily (i.e., prior to a hearing or as a result of a hearing). Violation of a no contact order could result in additional disciplinary charges.
- **Parental/Guardian/Administrative Notification:** The proper college authorities shall be notified of any sanction. In addition, when students are found responsible for the use, possession, and/or distribution of alcohol and/or illegal substances, the College reserves the right to notify students' parents/guardians.
- **Restitution:** Compensation for loss, damage, or injury. This may take the form of monetary (financial restitution) and/or material replacement.
- **Residency Probation:** Official reprimand/notice to the student that their housing status is in jeopardy for a defined period of time. Future violations of Community Standards may subject the student to *Revocation of Housing Contract or Housing Prohibition*.
- **Revocation of Housing Contract:** Revocation of housing contract is for a defined period of time, after which the student is eligible to return. A person denied campus residency is prohibited from entering any residence hall. *Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for trespassing.* Additional conditions for readmission may be specified.

Other special conditions may be imposed in addition to those listed above if the hearing officer believes they may aid in the growth or development of the student, protect the student or the community, or help to make the community or individual members whole.

## Procedures for Hearing Cases of Nonconsensual Sexual Intercourse, Nonconsensual Sexual Contact, Sexual Exploitation, Bias-Related Harassment, Domestic Violence, Dating Violence & Stalking

### Pre-Disciplinary Hearing Information & Procedures

**Off-Campus Complaints:** Alfred State takes judicial jurisdiction to the extent practical and possible, over these type of cases as long as the person charged is a student, regardless of the enrollment status of the alleged victim,

The College will also take judicial jurisdiction to the extent practical and possible, over all sexual misconduct cases that occur *off* campus, if the person being charged and the alleged victim is a student and the impact of the assault is likely to have a substantial effect on the alleged victim's on-campus life and activities, or if the incident poses a threat or danger.

To the extent practical and possible, Alfred State may also take judicial jurisdiction over students charged with *off*-campus sexual misconduct cases where the alleged victim is not a student. Complaints can also be brought against students when incidents take place during a period when the College is not in session (such as spring break). This policy does not include adjudicating incidents that occurred *before* the accused was matriculated or *after* the student has graduated. The College cannot hear complaints against students who have graduated.

### Rights of Complainant and Respondent for Cases of Nonconsensual Sexual Intercourse, Nonconsensual Sexual Contact, Sexual Exploitation, , Domestic Violence, Dating Violence, Stalking & Bias-Related Harassment

It is the goal of Alfred State to ensure that student victims (complainant) and the student accused (respondent) of sexual misconduct, bias-related harassment dating/domestic violence & stalking to have access to needed resources, services, and information. Alfred State strives to offer a reasonable parity of resources, services, and information, to the extent possible, to all parties to the complaint, including, but not limited to, the following rights:

- To file student conduct charges against the accused. Conduct proceedings are governed by the procedures set forth in the Alfred State Community Standards: Student Code of Conduct (<http://www.alfredstate.edu/student-code-of-conduct>) as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the accused and the victim/survivor will have:
  - The same opportunity to have access to an advisor of their choice. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct.
  - The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, 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 and is not conducted by individuals with a conflict of interest.
  - The right to receive written or electronic notice of any meeting or hearing they are required to or are eligible to attend.
  - The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 business days except when law enforcement specifically requests and justifies a longer delay.
  - The right to request a single delay in the disciplinary proceedings, with cause, not to exceed 7 calendar days.
  - The right to review available evidence in the case file.

- 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 or past mental health history from admittance in college disciplinary stage that determines responsibility. Past sexual violence findings may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the sanction(s).
- The right to appeal the outcome of a conduct proceeding.
- The right to know the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding and the reason for the actual sanction imposed. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
  - Office of Student Conduct, Student Leadership Center room 409, (607) 587-4065
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.

### **Other Administrative Actions in Cases of Sexual Misconduct, Bias-Related Harassment, Dating/Domestic Violence & Stalking**

**Removing Respondent from the Residential or Academic Environment:** The College will remove a respondent from their living unit and/or academic setting, if requested by the complainant and the College finds it is reasonable to do so (space available, etc.). Although such an administrative action by the College may seem unfair to the respondent, it may be necessary action so that the College can protect the rights of the complainant and minimize any further interaction that may occur if left unaddressed. This decision is implemented by the vice president for student affairs or designee.

**Interim Suspension – Removal from the College until Hearing:** The College can also choose to invoke an interim suspension with alleged infractions of sexual misconduct or bias-related harassment and can be invoked when the College believes there is evidence that the respondent may pose a risk to the safety and well-being of others prior to the conclusion of disciplinary proceedings.

### **Size and Composition of Sexual Misconduct, Bias-Related Harassment, Dating/Domestic Violence & Stalking Panels**

Sexual misconduct, bias-related harassment, dating/domestic violence & stalking are complex issue for disciplinary panels to hear. Panelists for these types of hearings complete additional training provided by the Division of Student Affairs before they can serve on a specialized panel.

These complaints are heard by faculty and staff who are appointed to the Student Conduct Committee and are selected by the vice president for student affairs to serve on sexual misconduct cases. Specialized panels are chaired by the associate dean for judicial affairs (if associate dean is not available, an alternate chair will be appointed by the vice president for student affairs). The three-person panel will consist of the chair and two other members. All disciplinary hearings are closed to the public and are limited to College representatives on the hearing panel, the victim, the respondent, advisers and witnesses. The College does not allow character witnesses to attend any disciplinary hearings.

Respondents may wish to appeal decisions of the administrative hearing panel. To initiate an appeal, the student must submit a written request for an appeal to the vice president for student affairs within two (2) days of notification of the results of the hearing.

## Appeals

Students may choose to appeal decisions of the Student Conduct Committee/administrative hearing officer. To initiate an appeal, the student must submit a written appeal within two (2) days of notification of the results of the hearing. The College can only accept appeals from the respondent. It cannot accept appeals from third parties (e.g., parents, faculty, staff, and friends). All appeals must be submitted in writing to Office of Student Conduct. A three-person panel appointed by the vice president for student affairs will review all appeals where a sanction of suspension or expulsion was imposed or if the case was heard by a Student Conduct Committee panel. All other appeals are heard by the associate dean for judicial affairs unless the associate dean heard the case and a sanction of suspension or expulsion was not imposed. In such instances, those appeals will be reviewed by the vice president for student affairs. Students who have been sanctioned with suspension or expulsion may request to listen to the audio recording made during the hearing prior to their submission of an appeal letter.

An appeal must be in writing and its scope shall be limited to the following:

- (a) **Question of Fact:** Students may appeal on “questions of fact” by introducing new evidence that would significantly affect the outcome of the case. Evidence that comes forward that was not known by the accused shall be considered new evidence. Evidence that was withheld by a student shall not constitute a question of fact, nor is it to be considered upon appeal.
- (b) **Question of Procedure:** Appeals will be considered on the basis of “questions of procedure” by demonstrating that the procedural guidelines established in this document were breached and that such departure from established procedure significantly affected the outcome of the case.
- (c) **Severity of Sanction:** Students may appeal the “severity of sanction” that has been imposed by presenting a statement explaining why they feel the penalty is too severe.

Appeals are considered for breach of procedures when the procedure in question directly affects the disciplinary decision rendered. For example, the time of notification of a disciplinary decision could result in a procedural breach but would have had no impact in how the decision was initially rendered by a panel. Thus, no grounds for appeal would be granted. However, if the hearing chair, per se, failed to allow the respondent or complainant to ask questions in the hearing related to the charges imposed, such action may constitute a procedural breach that eventually affected how the panel reached a decision. As a result, a respondent might assert that this type of procedural breach was grounds to submit an appeal.

All facts and evidence related to the case shall be reviewed by the appellate panel (or associate dean for judicial affairs) to determine whether just cause exists to overturn the Student Conduct Committee’s recommendation/administrative hearing officer’s decision. If just cause is demonstrated to exist, then the appellate officer may choose to rehear the case or modify the sanction and/or special conditions imposed. Such modification can include decreasing *or increasing* the severity and/or duration of the sanctions/special conditions. If no just cause is demonstrated to exist, the appellate officer shall notify the student in writing of why the appeal was denied. This action shall be final and is not subject to further appeal.

## OTHER ADMINISTRATIVE ACTIONS

### Parental Notification Guidelines

Alfred State believes that a successful educational process is a partnership between individuals and the institution. This belief served as a basis for the adoption of the College’s Principles of Community and the Student Code of Conduct. In recognition of these partnerships and of the following:

- Whereas excessive, abusive, illegal, and/or repetitive use of alcohol and/or illegal substances is inconsistent with maintenance of the educational environment;
- Whereas illegal use and/or possession of alcohol or illegal substances generally represents violations of law and campus regulation;
- Whereas excessive, abusive, illegal, and/or repetitive use of alcohol and/or illegal substances threatens the wellbeing of individuals and property and tends to diminish students' opportunities for personal growth, intellectual development, and academic success; and
- Whereas students' parents or guardians are respected for their roles as partners with the College in supporting the students' personal and academic success;

The vice president for student affairs (or designee) will follow these guidelines in determining whether to notify parents or guardians when students under the age of 21 are found to have committed serious or repeated violations of College policies related to the possession, use, or distribution of alcohol or illegal substances.

The vice president for student affairs (or designee) will follow these guidelines in determining whether to notify parents or guardians:

- The violation involves harm or threat of harm to persons or property;
- The violation involves an arrest in which the student was taken into custody;
- The violation results in or could result in the student's being suspended from the College and/or removed from the residence hall;
- The student has shown a pattern of violation – even if they are minor. Two or more violations associated with illegal substances and/or alcohol use would be reasonable cause for notice;
- The student who commits the violation(s) became physically ill or/or required medical intervention as a result of consumption of alcohol or illegal substances.

Furthermore,

- Nothing in these guidelines shall prevent College officials from notifying parents or guardians of health or safety emergencies regardless of the judicial status of the student.
- Nothing in these guidelines should preclude the College from notifying parents or Guardians when students under the age of 21 are involved in a group activity off campus in which the students' organization is found to have violated College policy with respect to the use and/or consumption of alcohol or illegal substances.
- The vice president for student affairs may delegate the notification of parent/guardians to other College officials under the vice president's supervision.
- Whenever possible, students will be informed that parental notification is planned in advance of their parents/guardians receiving the notice.

## Records

A record of all actions by Administrative Hearing Officers and the Student Conduct Committee are to be compiled and transferred under confidential cover to the Office of Student Conduct. Disciplinary records will be retained in the Office of Student Conduct accordingly;

- (a) Records of sanctions ranging from Disciplinary Warning to Disciplinary Probation will be kept for seven (7) years past the graduation date of the student (or if they do not graduate, after seven years of non-enrollment at the College).
- (b) Records pertaining to suspension, expulsion, interim suspensions, and involuntary withdrawals shall be retained permanently by the College.
- (c) If a student discontinues enrollment but has disciplinary charges un-adjudicated, a hold will be placed against the student preventing re-enrollment at the college and a record of the charges/allegations will be kept on file until the pending disciplinary matter has been resolved.

Student disciplinary records will be confidential except to “authorized College personnel” engaged in authorized functions regarding the examination of records. Records of disciplinary proceedings shall remain in the custody of the College. Records may be released to an outside agency only through a signed release from the student or a court subpoena. The College will process any request for release of a disciplinary record that is consistent with the records management policy noted above. For records under section (a) the College would respond that the student does not have a disciplinary record or history once the record is destroyed. If the student does not specify what part of the disciplinary record they want released, the College can choose to provide a summary of the disciplinary record or the complete disciplinary record (charge letter, disciplinary decision, student’s appeal (if one)). The College may also choose to redact portions of the record that provide personal identifiable information about other students or victims prior to release. In accordance with the Family Educational Rights and Privacy Act (FERPA) the College reserves the right to release a student’s information to parents(s) if that student is claimed as a dependent by said parent(s).

“Authorized College personnel” shall be deemed to include College officials with responsibilities governing student conduct, judicial hearing board members, judicial appeal officers, administrative personnel responsible for maintain student records, members of the College community authorized under the “need to know” clause of the Family Educational Rights and Privacy Act, and any other official authorized in writing by the vice president for student affairs. “Need to know” officials are defined as College officials whose work is directly affected by information contained in the disciplinary record. Students shall be notified in writing that their disciplinary records have been released to “need to know” parties. With the exception to the sanction of expulsion, suspension, and special failing grade (with violations of academic dishonesty) disciplinary sanctions do not appear on college transcripts. Students who are expelled, suspended, or separated from the college through involuntary withdrawal procedures will be prohibited from receiving clearance for readmission or reinstatement until the specific penalty or required remedial action has been carried out according to the student’s notice of disciplinary of administrative action.

College policies concerning other educational records can be found in respective departments charged with the responsibility of maintaining those records. Students should also be aware that certain records do not fall under the definition of “educational records” as prescribed by FERPA. However, other federal and state laws govern the level and degree of confidentiality pertaining to these “non-educational” student records. Non-educational records include employment records, records maintained by University Police, and records of physicians, psychiatrists, psychologists, and counselors acting in their professional capacity.

## Appendix A

### Students' Bill of Rights

The State University of New York and Alfred State are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College/University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

#### All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
- Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

#### Options in Brief:

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

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



## Appendix B

### Sexual Violence Response Policy

In accordance with the Victim/Survivor Bill of Rights, victims/survivors shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

#### I- Reporting:

- To report *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy in Appendix C):
  - Anonymously via the Alfred State University Police Silent Witness Reporting Form:
    - <https://www.alfredstate.edu/webforms/silent-witness>
  - Health & Wellness Services
    - (607) 587-4200
- To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906), and assistance can also be obtained through:
  - SurvJustice
    - <http://survjustice.org/our-services/civil-rights-complaints/>
  - Legal Momentum
    - <https://www.legalmomentum.org/>
  - NYSCASA
    - <http://nyscasa.org/responding>
  - NYSCADV
    - <http://www.nyscadv.org/>
  - Pandora's Project
    - <http://www.pandys.org/lgbtsurvivors.html>
  - GLBTQ Domestic Violence Project
    - <http://www.glbtdvp.org/>
  - RAINN
    - <https://www.rainn.org/get-help>
  - Safe Horizons
    - <http://www.safehorizon.org/>
  - SS. Brendan & St. Jude Parish
    - <https://sbjparish.net/>
  - Cattaraugus Community Action
    - <http://www.ccaction.org/>
  - ACCORD
    - <http://www.accordcorp.org/>
  - Planned Parenthood of the Sothern Finger Lakes
    - <https://www.plannedparenthood.org/planned-parenthood-southern-finger-lakes>

- SUNY Sexual Assault & Violence Response (SAVR) Resources
  - <https://www.suny.edu/violence-response/>
- Allegany County Department of Health
  - <http://www.alleganyco.com/health-department/>

*Note that hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.*

- To report the incident to one of the following college officials who can offer *privacy* and can assist in obtaining resources (note that an official who can offer privacy may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator):
  - Title IX Coordinator & Deputy Coordinators
    - (607) 587-4076
    - <http://www.alfredstate.edu/student-life/center-for-equity>
  - University Police
    - (607) 587-3999
    - <http://www.alfredstate.edu/university-police>
- To file a criminal complaint with University Police and/or with local law enforcement:
  - Alfred State University Police
    - Theta Gamma House, 10 Upper College Dr., Alfred, NY 14802
    - (607) 587-3999
  - Alfred Village Police
    - 7 West University St., Alfred, NY 14802
    - (608) 587-8877
  - New York State Police
    - 585-344-6200
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with Alfred State policy. If a victim/survivor wishes to keep their identity private, they may call any Title IX Deputy Coordinator anonymously to discuss the situation and available options:
  - <http://www.alfredstate.edu/student-life/center-for-equity>
- When the accused is an employee, a victim/survivor may also report the incident to University Office (607-587-3999), Human Resources (607-587-4025), Title IX Coordinator (607-587-4076), or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

- Human Resources Office, Pioneer Center, (607) 587-4025.
  - Title IX Coordinator, Student Leadership Center, (607) 587-4076.
- You may withdraw your complaint or involvement from the Alfred State process at any time.

## II- Resources:

- To obtain effective intervention services:
  - Alfred State Health & Wellness Services (no charge for services)
    - T.A. Parish Hall
    - 607-587-4200
  - Cattaraugus Community Action
    - 24-Hour Crisis Hotline: 1-888-945-3970
    - <http://www.ccaction.org/programs/victim-services/>
- Additional Information:
  - Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available Allegany County Department of Health.
    - <http://www.alleganyco.com/health-department/>
    - (585) 268-9250
  - Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: [http://www.ovs.ny.gov/files/ovs\\_rights\\_of\\_cv\\_booklet.pdf](http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf), or by calling 1-800-247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html>.

## III- Protection and Accommodations:

- When the accused is a student, to have the college issue a “No Contact Order,” meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.
- To have assistance from University Police or other college officials in obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).

- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from University Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of University Police or, if outside of the jurisdiction or to call on and assist local law enforcement in effecting an arrest for violating such an order.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process.
- When the accused is not a member of the college community, to have assistance from University Police or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. While victims/survivors may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:
  - **Office of Equity, Inclusion & Title IX**
    - <http://www.alfredstate.edu/student-life/center-for-diversity-and-inclusion>
    - Student Leadership Center rm. 409
    - Phone: 607-587-4076
    - Email: [TitleIX@alfredstate.edu](mailto:TitleIX@alfredstate.edu)

## Appendix C

### Options for Confidentially Disclosing Sexual Violence

The State University of New York and Alfred State want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

#### In this Policy:

- Privileged and Confidential Resources
- Non-Professional Counselors and Advocates
- Privacy versus Confidentiality
- Requesting Confidentiality: How the College/University Will Weigh the Request and Respond
- Public Awareness/Advocacy Events
- Anonymous Disclosure
- Institutional Crime Reporting

#### Privileged and Confidential Resources:

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At Alfred State, confidential resources can be accessed through:

- **Alfred State's Health & Wellness Centers:**
  - TA Parish Hall
    - <http://www.alfredstate.edu/student-life/health-and-wellness-services>
    - 10 Upper College Dr., Alfred, NY 14802
    - Phone: 607-587-4200
  - Pioneer Student Union (PSU)
    - <http://www.alfredstate.edu/student-life/health-and-wellness-services>
    - 2530 River Rd., Wellsville, NY 14895
    - Phone: 607-587-3141
- **Individuals serving in a pastoral role under St. Jude's Center for Catholic Campus Ministry:**
  - St. Jude's Center
    - <http://ssbjparish.net/contact-directions>
    - Lower College Dr., Alfred, NY 14802
    - Phone: 607-587-9411

#### Off-campus counselors and advocates.

Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency. Off-campus options to disclose sexual violence *confidentially* do not provide any information to the campus and include:

- **Cattaraugus Community Action, Inc.**
  - <http://www.ccaction.org/programs/victim-services/>
  - 85 North Main Street #1, Wellsville, NY 14895
  - 1-888-945-3970 or 585-593-4685
    - Provides victim compensation claims assistance through the New York State Office of Victim Services
- **Sexual Assault Resource Center**
  - [www.sarcst.org](http://www.sarcst.org)
  - 135 Walnut St., Corning, NY 14830
  - Phone: 1-888-810-0093
- **Jones Memorial Hospital**
  - Sexual Assault Nurse Practitioner (SANE)
    - <http://www.jmhny.org/>
    - 191 North Main Street, PO Box 72, Wellsville, NY 14895-0072
    - Phone: 585-593-1100
- **Additional Resources**
  - New York State Coalition Against Sexual Assault
    - <http://nyscasa.org/>
  - SUNY Sexual Violence Response Policy
    - <http://system.suny.edu/sexual-violence-prevention-workgroup/policies/response/>

Off-campus healthcare providers. Please note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. Local off-campus healthcare providers include:

- **Jones Memorial Hospital**
  - <http://www.jmhny.org/>
  - 191 North Main Street, PO Box 72, Wellsville, NY 14895-0072
  - Phone: 585-593-1100
  - Email: [we\\_care@jmhny.org](mailto:we_care@jmhny.org)
- **St. James Mercy Hospital**
  - <http://www.stjamesmercy.org/>
  - 411 Canisteo St., Hornell, NY 14843
  - Phone: 607-324-8000
  - Email: [information@sjmh.org](mailto:information@sjmh.org)
- **Noyes Memorial Hospital**
  - <https://www.noyes-health.org/>
  - 111 Clara Barton St., Dansville, NY 14437
  - Phone: 585-335-6001

The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: <https://ovs.ny.gov/help-crime-victims>, or by calling 1-800-247-8035.

*Please note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to themselves or others and the mandatory reporting of child abuse.*

### **Non-Professional Counselors and Advocates:**

Non-professional counselors and advocates can also assist you without sharing information that could identify you. At Alfred State, this includes members of the college's Title IX/Bias Response Committee; specifically the Title IX Coordinator and Deputy Coordinators:

- **Title IX Coordinator**
  - Nikkie Hockenberry, Chief Diversity Officer & Title IX Coordinator
    - Student Leadership Center rm. 409
    - Phone: 607-587-4076
    - Email: [HockenNR@alfredstate.edu](mailto:HockenNR@alfredstate.edu)
- **Deputy Coordinators**
  - Wendy Dresser-Recktenwald, Senior Director for the Office of Human Resources
    - Pioneer Center
    - Phone: 607-587-4025
    - Email: [DresseWS@alfredstate.edu](mailto:DresseWS@alfredstate.edu)
  - Cody Herman, Assistant Director of Residential Services
    - Residential Services, Town House Commons
    - Phone: 607-587-3222
    - Email: [HermanCR@alfredstate.edu](mailto:HermanCR@alfredstate.edu)

These individuals will report the nature, date, time, and general location of an incident to Alfred State's Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals **are not** considered confidential resources as discussed above.

### **Privacy versus Confidentiality:**

Even Alfred State offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Alfred State will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Requesting Confidentiality: How Alfred State Will Weigh the Request and Respond:**

If you disclose an incident to an Alfred State employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While victims/survivors may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures:

- **Office of Equity, Inclusion & Title IX**
  - <http://www.alfredstate.edu/student-life/center-for-diversity-and-inclusion>
  - Student Leadership Center rm. 409
  - Phone: 607-587-4076
  - Email: [TitleIX@alfredstate.edu](mailto:TitleIX@alfredstate.edu)

We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the Alfred State's failure to act may result in harm to you or other members of the Alfred State community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, Alfred State will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation, such as a situation that previously involved sustained stalking;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the victim/survivor is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

#### **Public Awareness/Advocacy Events:**

If you disclose a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, "Tunnel of Oppression," or other public event, Alfred State is not obligated to begin an investigation. Alfred State may use the information you provide to inform the need for additional education and prevention efforts.

#### **Anonymous Disclosure:**

At Alfred State the University Police Department provides an online form for reporting crime:

- <http://www.alfredstate.edu/webforms/silent-witness>

The New York State Hotline for Sexual Assault and Domestic Violence provides crisis intervention, resources, and referrals but *is not* a reporting mechanism.

- Hotline: 1-800-942-6906

#### **Institutional Crime Reporting:**

Reports of certain crimes occurring in certain geographic locations will be included in the Alfred State Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the victim/survivor. For assistance accessing this information or questions about how it is used, please contact University Police, the Title IX Coordinator, or Deputy Coordinators.

Alfred State is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the victim/survivor). A victim/survivor will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Alfred State will not share information about a report of sexual violence with parents without the permission of the victim/survivor.



For more information concerning the contents of this document, contact the Vice President for Student Affairs, Student Leadership Center 407 or the Office of Student Conduct, Student Leadership Center 409.