

Office of Student Conduct and Community Standards

# Code of Student Responsibility

Effective August 1, 2022



Stony Brook  
University

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## INTRODUCTION

This is the Code of Student Responsibility, which is referred throughout this document as the Code. The Code is applicable to all Stony Brook students, including any person who has accepted admittance to the University, undergraduates, graduates, professional students, and certificate program participants, matriculated and non-matriculated students, regardless of number of credits the person is enrolled in. This Code provides the policies and procedures governing student behavior at Stony Brook University.

Policies make it possible for people to live together and function in an orderly way, protecting the rights of the community while respecting the rights of each individual. You should be able to carry on your daily business safely, peacefully, and productively while at Stony Brook University; these policies and procedures have been designed to help accomplish this. The Code is intended to provide you with the University's expectations and also to support compliance with the state and federal laws related to matters such as those involving drugs, alcohol, weapons, discrimination, sexual assault or abuse, and racial, sexual, or sexual-preference harassment.

This Code is not the only source of policies and procedures governing student conduct at Stony Brook University. Students must also follow applicable policies found in the University Policy Manual<sup>1</sup>, the Rules of Public Order<sup>2</sup>, policies and procedures issued by the Office of Student Affairs (including Campus Residences Terms of Occupancy<sup>3</sup>), and any policies and procedures issued by a school/college/academic program in which the student is enrolled. Students should also familiarize themselves with academic integrity policies and the University's research misconduct policy (see Academic Dishonesty and Research Misconduct information in the Appendix). All students should become familiar with these important items. All University policies and related documents may be accessed through the Stony Brook University website.

## PREAMBLE

The following statements of policies and procedures are collectively known as the Code of Student Responsibility.

Fundamental to the achievement of community among the members of the University is the recognition by all such members that each shares a responsibility to observe University policies. This obligation, which is an extension of the citizen's responsibility to observe the law of the land, is an essential corollary to participation in the academic rights afforded to members of the University.

Conduct appropriate to a student at Stony Brook University promotes the individual's own academic pursuits and contributes to meeting the community's educational objectives. An individual's conduct becomes a concern of the University if it adversely affects the academic interests of other members of the University community or the University's pursuit of its educational priorities. It is thus not the purpose of the University policies to duplicate the public statutes. The University cannot and does not condone violations of law and clearly recognizes that the laws of the land operate in full force on its campus. It also reserves its own special authority for the conduct policies that affect its particular interests as an academic community. Violations of Federal or State laws or local ordinances that occur within the jurisdiction of Stony Brook University may be subject to the University's student conduct process.

If a violation of law occurs on campus it is also a violation of University policy and the University may institute proceedings against the Respondent(s). Such action by the University is independent of and may proceed in parallel with civil or criminal action. Ordinarily, the University will not pursue off-campus violations unless such violations are deemed to adversely affect the safety and security of the University, University property or individual members of the University community. For information on living responsibly off-campus, visit: <http://studentaffairs.stonybrook.edu/ocliving/>.

As a general rule, violations of this Code and the sanctions that may be imposed will not be routinely reported to parents. However, in the case of serious violations of Federal, State, or Local law, including alcohol and other drugs violations, or when instances of medical/psychological emergencies come to the University's attention, the University may notify parents in cases where it is believed the student might benefit.

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<sup>1</sup> <http://www.stonybrook.edu/policy/>

<sup>2</sup> <https://www.stonybrook.edu/commcms/studentaffairs/ucs/policies/order.php>

<sup>3</sup> <https://www.stonybrook.edu/commcms/studentaffairs/res/safety/policies.php>

## I. DEFINITIONS

- A. **Advisors:** Complainants or Respondents may each select an advisor of their choice to accompany them during any proceeding. Advisors for either party may only advise or assist but may not engage in any verbal presentation or questioning. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated in this Code.
- B. **Business Day:** a day between and including Monday through Friday which does not include days when the University is closed.
- C. **Calendar Day:** any day of the week. This includes weekends, holidays and when the University is closed.
- D. **Complainant:** any member of the University community or visitor to the campus who initiates and/or later presents such a complaint against a student to a designated University official. A University official may serve as a Complainant on behalf of others in enforcing the terms of this Code.
- E. **Guest:** someone who is visiting a student.
- F. **Hearing Officer:** a designated University official who is authorized to preside over the hearing process and impose sanctions, when appropriate.
- G. **Longer Term Guest or Live-in Guest:** someone whose host is a resident. Their host must hold a valid contract and must have been granted permission, in writing, for their spouse, domestic partner and/or their dependent children only, to be eligible to live with them in their apartment. Permission may only be granted by the Division of Campus Residences.
- H. **Party:** refers to either the Complainant or Respondent.
- I. **Preponderance of the Evidence:** standard applied to determine whether it is “more likely than not” that an incident occurred and/or policy was violated.
- J. **President and Vice President for Student Affairs:** as used within this Code, the terms shall be deemed to mean and include any person authorized to exercise the powers of those officials by designation or during a vacancy of their positions or during the absence or disability of the incumbent.
- K. **Resident:** is someone who is properly assigned to a room in a residence hall or on-campus apartment. All residents are subject to the provisions in the Code.
- L. **Residential Guest:** someone who is visiting a residential student and who is not a contracted resident of the specific room, residence hall, or apartment.
- M. **Residential Host:** any resident student who has a residential guest in the residence facilities.
- N. **Respondent:** any University student or resident who is charged with an alleged violation of the Code.
- O. **Staff Members:** qualified to act on behalf of the University in matters pertaining to conduct in the residence halls or apartments, including: the Assistant Vice President for Campus Residences, Directors, Associate and Assistant Directors of Campus Residences, Quad Directors, Quad/Apartment Service Managers, Residence Hall Directors, Apartment Living Coordinators, and student staff including, but not limited to, Graduate/Resident Assistants, Office Assistants, and Residential Safety.
- P. **Student:** any person who has accepted admittance to the University for student status or who is currently registered or enrolled as an undergraduate, graduate, professional student, or certificate program participant, whether matriculating or non-matriculating, full-time or part-time, resident or commuter, paid or delinquent, or who has a pending appeal of an academic dismissal or student conduct matter. Such a person shall also be considered a student during intersession/summer periods and at University-sponsored commencement events in which they are a participant.
- Q. **University Official:** Unless otherwise specified, this term shall include faculty or staff members (e.g., Residence Hall Directors, Quad Directors, Quad/Apartment Service Managers, University Police Officers, Security Service Assistants) exercising their assigned duties and may include student staff such as Graduate/Resident Assistants, Office Assistants, Residential Risk and Safety Personnel; other students acting in an assigned official capacity on behalf of the University; and other authorized agents of the University, which may include staff or campus-related organizations or University contractors or subcontractors (e.g. FSA, food-service vendor) when acting in their official capacity.
- R. **Vice President for Student Affairs and the Assistant Vice President for Campus Residences:** Either University official shall designate “University and Residential Hearing Officer(s)” for the purposes of administrative hearings. Both University and Residential Hearing Officers are responsible for carrying out the provisions of the Code, unless this responsibility is otherwise assigned.

## II. EXCEPTIONAL PROCEDURES

Students are expected to maintain a reasonable level of concern for their own self-welfare as well as for the safety and well-being of others. Individuals whose behavior is alleged to pose a threat to the health and safety of themselves or others or to significantly disrupt University activity may be in violation of the Code. The University may use extraordinary procedures to protect the safety and well-being of the student and others. Such measures include but are not limited to: family/parental notification, mandated assessment and/or temporary or permanent separation from the University. The following fall under exceptional procedures:

### A. Interim Suspension

Upon receipt of credible allegations of Code of Student Responsibility violations, the President or designee may suspend a student or students on an interim basis whenever the continued presence of such a student would constitute a danger to the student or to the safety of persons or property on the premises of the institution, or their presence would pose a threat of disruptive interference with the normal conduct of the institution's activities and functions, or the seriousness of the charges warrants such action. The interim suspension may apply to a portion of the University or the entire campus. Students who wish to appeal an interim suspension may submit a written appeal within seven (7) calendar days to the Office of Student Conduct

and Community Standards (SCCS) or designee to address the alleged violations and demonstrate the basis for the interim measure is not warranted. The information will be reviewed and responded to in a timely manner. The designated University official may require individual meetings with the parties involved before making a decision. Upon review, the interim measures may be upheld, rescinded, or modified. A student must be in compliance with the terms of their interim measures at the time of their request for such a review. Students who do not exercise their right to appeal their Interim Suspension or whose appeal is denied will be academically withdrawn from the University pending the outcome of the student conduct process.

**B. Interim Suspension from the Residence Halls/Apartments**

Upon receipt of credible allegations of Code of Student Responsibility violations, the Vice President for Student Affairs (designee) or Assistant Vice President for Campus Residences (designee) may suspend a student or students from the residence halls/apartments pending the hearing and determination thereof, whenever the continued presence of such a student would constitute a danger to the student or to the safety of persons or property in the residence halls/apartments, or would pose a threat of disruptive interference with the normal conduct of residence hall/apartments activities and functions; or the seriousness of the charges warrants such action. The interim suspension may apply to all residence facilities, an individual residence hall/apartment or any portion thereof. Students who wish to appeal an interim residence suspension may submit a written appeal within seven (7) calendar days to the Office of Student Conduct and Community Standards (SCCS) or designee to address the alleged violations and demonstrate the basis for the interim measure is not warranted. The information will be reviewed and responded to in a timely manner. The designated University official may require individual meetings with the parties involved before making a decision. Upon review, the interim measures may be upheld, rescinded, or modified. A student must be in compliance with the terms of their interim measures at the time of their request for such a review.

**C. Residence Hall/Apartment Temporary Reassignment and Restriction**

Upon receipt of credible allegations of Code of Student Responsibility violations, the Vice President for Student Affairs (designee) or Assistant Vice President for Campus Residences (designee) may temporarily reassign a resident to another facility and/or restrict a resident from specific University facilities pending an investigation and/or hearing whenever the continued presence of a resident in a particular campus facility would constitute a danger to the student or to the safety of persons or property in the residence halls/apartments and campus facilities, or the seriousness of the allegations warrants such action. The Assistant Vice President for Campus Residences (designee) shall grant an immediate review (by the end of the next business day after the temporary reassignment and/or restriction) on request of any resident so reassigned and/or restricted with respect to the basis for such a reassignment and/or restriction. Students must be in compliance with the terms of their interim reassignment/restriction at the time of their request for such a review.

**D. Temporary Restriction from Personal Contact**

Imposing a temporary restriction from personal contact means that the parties are prohibited from having any personal, verbal, electronic (email, instant message, text message, social media, etc.), written, phone, cell phone, or third-party contact with another person pending an investigation and/or hearing whenever the contact could constitute a danger to the person or to the safety of the person or property, or the seriousness of the allegations warrants such action. If the accused/respondent and a reporting individual/complainant observe each other in a public place, it will be the responsibility of the accused/respondent to leave the area immediately and without directly contacting the reporting individual/complainant. Intentional contact with the other party is a violation of University policy and may result in additional student conduct action. Any student so restricted may obtain an explanation of the basis for such restriction upon request.

**E. Withdrawal Prior to Hearing**

Any student who withdraws or fails to return to the University while student conduct action is pending or fails to appear for a scheduled hearing will be ineligible for readmission, registration, receipt of a transcript, or diploma until the outstanding matter is resolved. The University reserves the right to formally restrict individual(s) from campus grounds while such student conduct action is pending. Any further readmission/re-entry to the University would require an appeal in writing to the Vice President for Student Affairs (designee) and approval by the Vice President for Student Affairs (designee).

**F. Good Samaritan Policy**

The University recognizes that students may be reluctant to seek medical attention for themselves or others, for incidents related to alcohol or drug consumption, due to a fear of potential consequences for their own conduct. Therefore, the University has adopted this Good Samaritan Policy to encourage students to seek medical assistance where the use of alcohol or other drugs may result in the endangerment of themselves or another. Under the Good Samaritan Policy the student for whom assistance is sought and a bystander acting in good faith who discloses to University officials an incident of alcohol or drug use, may not be subject to University sanctions for violations of alcohol or drug policies. This means that in most instances, if a student acts with intent to assist or restore the well-being of a student at risk due to alcohol or drug usage, neither party will be subject to University sanctions for drug or alcohol violations.

**G. Hazing Amnesty**

The University 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 University 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.

## H. No Contact Directive

A “No Contact Directive” is a written directive prohibiting a student(s) from contact and communication with another individual(s), either directly or through a third party. These directives are issued reciprocally to multiple individuals. A “No Contact Directive” may be issued after a finding of “Not Responsible” or where, after investigation, it is determined that a violation does not exist, but it is in the best interest of the students involved to have no contact. A recipient of a “No Contact Directive” can request a review of the directive by contacting the Office of Student Conduct and Community Standards at [communitystandards@stonybrook.edu](mailto:communitystandards@stonybrook.edu).

# III. STUDENT CONDUCT POLICIES AND PROCEDURES

## A. General University Policies

### 1. Respect for Persons

Treating people with respect means acting in a manner that supports the safety, freedom and well-being of others. The nature and history of the relationship between the parties involved in alleged violations of this Code shall in no way diminish the seriousness of incidents. The following violations are specifically prohibited:

- a. **Offenses against persons:** No student shall engage in or threaten to engage in behavior that endangers the health or safety of another person. No student shall engage in harassment. Harassment includes behavior that is unwelcome; and discriminatory on the basis of a protected status<sup>4</sup> (like gender or race); and is directed at an individual; and is sufficiently severe and pervasive such that it interferes with an individual's work or education program and/or activities. No student shall retaliate against another member of the community for bringing forth a complaint or serving as a witness.
- b. **Stalking:** No student shall engage in stalking. The term stalking means 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 (cyberstalking), with such person(s) in a manner likely to harass, intimidate, annoy, or create nuisance or alarm.
- c. **Dangerous conditions:** No student shall create a condition that endangers or threatens the safety or well-being of themselves or others. This includes but is not limited to the misuse of devices such as box cutters, laser pointers, paint ball guns, and compromising fire and security systems. All wheeled modes of transportation or motor vehicles, with the exception of handicapped service equipment, are prohibited within the confines of any University facility.
- d. **Interference:** No student shall interfere with the right of any person to go where they have a right to go or remain where they have a right to remain on University property. No student shall intentionally prevent any person from doing anything they have a right to do or require any person to do anything they have a right to refrain from doing.
- e. **Weapons and dangerous objects:** No student shall use with intent to injure, or threaten another with any instrument, device, or object capable of inflicting physical harm or death. Students are also prohibited from possessing any weapons (even if they possess a license).
- f. **Discrimination:** No student shall violate the rights of or deny the privileges of the University community to another person for reasons of race, sex, sexual orientation, gender identity or expression, religion, age, color, creed, national or ethnic origin, disability, marital status, familial status, pregnancy, genetic predisposition, criminal convictions, domestic violence victim status, and veteran or military status, or other rights and privileges as may be protected under federal, state and/or local law. Alleged violations on the basis of sex/gender that fall under sexual misconduct will follow the procedures provided in Section VII.
- g. **Hazing:** In connection with an affiliation to any organization, group, team, or sports club: no student shall (i) endanger the mental, physical, or emotional health of a person, intentionally or recklessly, by commission or omission, regardless of whether the other person has consented to the activity; (ii) participate in activities on or off University property, involving the forced or expected consumption of alcohol, drugs or other substances, or damage, destroy, tamper with, or remove public or private property.

### 2. Sexual Misconduct

See Section VII.C.6.

### 3. Respect for Property

Respect for property means recognizing not only the ownership rights of persons and of the University, but also the dependence of all on the availability and preservation of necessary facilities and equipment. The following violations are specifically prohibited:

- a. **Offenses against property:** No student shall take, possess, damage, litter or deface (with graffiti instruments, or otherwise tamper with) any property not their own on the University campus or on any University property. This includes, but is not limited to, University furniture, computer equipment, access control systems or facilities. Tampering with building technology not limited to door controls, audio visual

<sup>4</sup> <https://www.stonybrook.edu/policy/policies.shtml?ID=105>



equipment, and elevator controls is prohibited. No student shall override room thermostat systems to drastically alter room temperature. Any costs to repair, replace, restore, or clean University property to its original condition will be assessed to individuals and/or groups responsible for damaging, or defacing such property in addition to any sanctions which may be imposed.

- b. **Unauthorized posting:** Members of the campus community may, upon receiving University authorization, advertise on-campus events on designated bulletin boards and posting areas. Notices may not be placed on automobiles, windows, doors, wood, brick, concrete, asphalt or painted surfaces. The event sponsors must remove advertising within two business days following the event and are responsible for any damages incurred in the process. Additional restrictions for advertising in the Stony Brook Union, Student Activities Center, and the residence halls and apartments may apply.
- c. **Unauthorized posting (off-campus commercial advertising):** Unauthorized posting or distribution of solicitations, advertisements or other material on campus is prohibited. Students may be the subject of student conduct action for such violations even in cases in which such students are acting on behalf of a third party (i.e., an employer and/or off-campus business).

#### 4. Health and Safety

Students shall comply with all environmental, health, and safety requirements, including Environmental Health and Safety Policies and Procedures: (see: <https://ehs.stonybrook.edu/resources/ehs-policies-and-procedures>) and fire safety policies. Therefore:

- a. Students shall not engage in any activity or behavior that creates a threat to the safety and well-being of themselves, the environment, or others, or engage in acts that compromises the safety of the University Community.
- b. Students shall not set fires, attempt to set fires, or act in a manner that disregards fire safety policies and procedures and results in a fire.
- c. No student shall set off false fire alarms, maliciously discharge fire extinguishers; or damage, tamper with, dismantle, or disconnect fire safety systems or equipment on the campus.
- d. Students must evacuate any University facility (residence hall, academic building, library, etc.) when the fire alarm is activated.
- e. Immunization Requirements. All students are required to comply with all New York State public health laws. This includes the NY State immunization requirements for measles, mumps, and rubella, and the requirement to verify that information about whether or not to receive meningococcal vaccine has been received and read. Consequences for failing to comply are:
  - 1. Deregistration from classes
  - 2. Loss of early registration status
  - 3. Removal from campus including cancellation of campus housing
  - 4. Loss of financial aid

#### 5. Security of Buildings, Facilities, Campus, and Motor Vehicle/Parking Policies

Students may enter and use all campus buildings and areas for the purposes assigned to these facilities and places. Exceptions to this rule may be made in the interests of safety, personal use and privacy, protection of valuable materials and equipment or to regulate access according to the hours that are normal for their assigned functions. When buildings or spaces within them are officially closed or restricted, limited access applies to all students unless specifically accepted. The following are applicable to the security of buildings, facilities, the campus, and motor vehicle/parking policies:

- a. **Unauthorized keys or access:** No student shall transfer, duplicate, use or possess any I.D. Badge/Proximity Card, key card or combination to a University building that they are not specifically authorized to use or possess.
- b. **Unauthorized entrance or unauthorized presence:** No student shall break into and enter, without authorization, any University building, room or facility; nor shall any student enter, or remain in any private room or office of any student, faculty member, administrative officer, or other person on University property without the express or implied permission of any person or persons authorized to use that office or live in that room; nor shall any unauthorized student enter or remain in any University building or facility at a time when that facility is officially closed; nor shall any student assist or make possible the unauthorized entrance or unauthorized presence of any person.
- c. **Restricted areas:** No student shall enter into or upon any restricted area; nor shall any student assist or make possible the unauthorized entry of any person into any restricted area. Restricted areas include but are not limited to tunnels, roofs, fountains and monuments, posted or enclosed construction sites and secured utility areas.
- d. **Guest responsibility (campus-wide):** When a student has a guest on campus, the student assumes responsibility for the conduct of that guest. Guests shall adhere to all campus policies including, but not limited to, the Rules of Public Order, the Code, alcohol and drug policies, building/facility guest policies, and motor vehicle/parking policies. Guests must be escorted by their host at all times.
- e. **Motor Vehicle/Parking policies:** No student shall display, alter, manufacture, transfer, use, or possess handicap, faculty/staff, resident, commuter, state, service/emergency vehicle parking permits they are not authorized to possess, i.e., that were found, issued to another person, or taken without permission. Nor shall students be permitted to park their motor vehicle in any designated handicap parking space without a valid and visible handicap plate, permit or decal. In addition to motor vehicle/parking fines levied on the campus, repeat offenders of campus motor vehicle/parking policies may be asked to remove their vehicle(s) from the campus for a period of time or permanently. Course registration may also be blocked until University motor

vehicle/parking fines are paid and/or University Service assigned as a result of a violation of this section is completed.

- f. **Compromising community security:** Propping open outside doors, unlocking lounge windows, using windows or balconies to enter and exit buildings, using unauthorized doors for entering or leaving the building, is prohibited.

## 6. Integrity of Transactions and Records

Respect for learning and knowledge means respect for personal integrity, both toward individuals and toward formal processes which record, reflect and enable the University's functions. Therefore:

- a. **Identification cards:** Students are required to carry and present valid University identification when requested to do so by authorized University officials.
- b. **False identification:** No student shall materially alter or forge any identification card or other document evidencing identification, including identification presented to show proof of age. A violation of this section shall result in a confiscation of such identification card and referral to the appropriate issuing agency or governmental authority.
- c. **False information:** No student shall give false or misleading information during any part of a student conduct process or when completing documents issued by or used by the University for official functions or activities. No student shall give false or misleading information that could damage or discredit another person.
- d. **False statements:** No person shall give false statements in matters related to the Code. Violations of this policy may result in sanctions up to and including suspension from the University for students.
- e. **Misrepresentation:** No student shall represent themselves falsely, in writing or otherwise, nor shall a student assist another in doing so.
- f. **Misuse of records:** No student shall access, search, copy, take without permission, forge, or alter University records, documents or other materials or possess such altered, forged or taken University records, documents or other materials without authorization.
- g. **Unauthorized use of services:** No student shall take or use any services without authorization.
- h. **False transactions:** No student shall use any forged or altered item to conduct a fraudulent transaction.

## 7. Responsible Use of Information Technology (IT)

Access to information technology is essential to the University's mission of providing students with educational services of the highest quality. IT systems may be used for any and all purposes pertaining to a user's academic position and /or position-related responsibilities and assignments. Use must be consistent with University Responsible Use of Information Technology Resources<sup>5</sup> and other published IT Policies<sup>6</sup> and all other applicable laws, policies, procedures and SUNY policies and guidelines. Failure to abide by these policies is subject to student conduct action.

## 8. Official Directives

Within the University, authority is delegated specifically to some individuals and some official bodies to direct the action of other members of the University, in fulfillment of legitimate purposes and functions of the institution. Students shall comply with the directives of University officials exercising their assigned duties. Students may appeal to the Vice President for Student Affairs (designee) or the Assistant Vice President for Campus Residences (designee), (if the directive was issued by a Campus Residences staff member) for a rescission of any Official Directive, but the student must be in compliance with the directive at the time of review.

## 9. Disruption of University Activities

- a. No student shall obstruct, impede or disrupt any educational, research, administrative, social or recreational activity of the University; nor shall any student create a nuisance to members or guests of the University community.
- b. Students may participate in peaceful demonstrations on campus as long as they comply with University Public Assembly Policy<sup>7</sup> and the Rules of Public Order, "Freedom of speech and assembly; picketing and demonstrations"<sup>8</sup>.
- c. No student shall be subject to any limitations or penalty solely for the wearing of clothing exhibiting protected speech.

## 10. Alcohol, Drugs and Gambling

The University recognizes all Federal, State and Local laws, and expects students to adhere to them. The University also recognizes that illegal alcohol and drug use is a major public health problem that has the potential to be harmful to the individual, the community and interferes with the goals and objectives of an academic institution. Members of the University community who decide to engage in illegal or excessive alcohol and drug use are responsible for their conduct under these circumstances. Specifically, the University puts students on notice that its campus offers no haven from the violation of applicable Local, State or Federal laws.

- a. **Alcoholic beverages.** New York State Law and the Policy for On-Campus Sales, Services and Consumption of Alcoholic Beverages prohibit the sale, giving and serving of alcoholic beverages to those

<sup>5</sup> <http://www.stonybrook.edu/policy/policies.shtml?ID=109>

<sup>6</sup> <https://it.stonybrook.edu/policies>

<sup>7</sup> <http://www.stonybrook.edu/policy/policies.shtml?ID=107>

<sup>8</sup> <https://www.stonybrook.edu/commcms/studentaffairs/ucs/policies/order.php?accordion=panel-d11e164>

under the age of 21, and their guests, even if the guest is over the age of 21. The Campus Alcohol Policy prohibits the possession and consumption of alcoholic beverages by those under the age of 21. The unauthorized consumption of alcohol or unauthorized possession of an open container of alcohol or public intoxication is prohibited. All students, residents and guests must comply with the Policy for On-Campus Sales, Service and Consumption of Alcoholic Beverages. Also:

1. To discourage excessive consumption of alcoholic beverages, bulk containers of alcohol larger than one gallon (e.g., kegs, beer balls, punch bowls, bottles, draft containers of wine, etc.) are prohibited.
  2. To discourage excessive consumption, large quantities of beer, wine, or hard liquor, are prohibited. No individual student may possess more than six (6) 12 oz. bottles/cans of beer **OR** ½ gallon of wine **OR** .5 or ½ liter of spirits at one time.
  3. Alcohol (beer, wine, liquor or spirits) should not be stored in common areas of apartment or suite unless all residents are over 21 years of age. If the suite or apartment residents are of mixed ages including over 21 and under 21, then all alcohol must be stored in the legal drinkers' bedroom and cannot exceed the allotted amount. Any resident over 21 years of age who wishes to drink in the common area of the suite or apartment can only have one (1) can/bottle of beer **or** glass of wine **or** mixed drink at a time.
  4. Items and paraphernalia that encourage excessive consumption of alcohol, including but not limited to funnels, beer helmets, beer pong tables, are prohibited.
- b. Driving while ability impaired by alcohol, drugs, or the combined influence of alcohol and drugs.** No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by alcohol, drugs, or the combined influence of alcohol or drugs.
- c. Zero Tolerance Law.** No person under the age of 21 shall operate a motor vehicle after having consumed alcohol as defined in this section. For purposes of this section, a person under the age of 21 is deemed to have consumed alcohol only if such person has .02 of one per centum or more but not more than .07 of one per centum by weight of alcohol in the person's blood, as shown by chemical analysis of such person's blood, breath, urine, or saliva, made pursuant to the provisions of section 1192-a of this article.<sup>9</sup>
- d. Illegal drug possession, use, sale and the possession of drug paraphernalia.** No student shall possess, use, purchase, distribute, or sell substances defined by New York State or Federal Law as illegal (which includes marijuana and cannabis based products). No student shall possess substances defined as controlled, other than personally prescribed medications, by New York States and/or Federal Law. No student shall introduce to the campus or possess drug paraphernalia including, but not limited to bongs, water pipes, roach clips, blunts or hypodermic needles (not specifically for the administering of prescribed medications).
- e. Gambling.** No student shall gamble for money or other valuables on University property or in any University facility except as part of an authorized fundraising activity.

#### **11. Student Groups and Organizations (Recognized and Unrecognized)**

- a. Students must follow the policies governing their membership in a student group/organization. Violations of the Code by officers/members of student groups/organizations may result in a referral to the student conduct process as an individual, in addition to any organizational action that may be taken by the University.
- b. Unrecognized groups/organizations may not use the University name, logo, equipment, or facilities.
- c. Unrecognized groups/organizations, and those whose campus recognition has been withdrawn or suspended, either temporarily or permanently, may not conduct recruitment and/or related activities, or host events/activities on campus.
  - University students may not join or take part in on campus recruitment and/or related activities for unrecognized groups/organizations, as well as for organizations whose campus recognition has been withdrawn or suspended, either temporarily or permanently.
  - University students who are members of unrecognized groups/organizations, as well as organizations whose campus recognition has been withdrawn or suspended, either temporarily or permanently, may not participate as a representative of that organization in any campus activity or event.
- d. Any violation of this policy may result in individual and/or group sanctions, such as the extension of the current suspension; suspension or permanent expulsion of individual(s) from the University, and/or the suspension or permanent expulsion of the organization from future campus recognition. Individuals or groups may be required to attend mandatory educational programs. For additional information, refer to:
  - ["Hazing"](#) section within the Code
  - [Community Guidelines for Recognized Student Organizations](#)
  - Student Athlete Handbook

#### **12. Off-Campus Violations**

This Code may be applied to off-campus violations when students are participating in University-sanctioned activities, such as sporting events, field trips, conferences, or are exercising privileges granted to Stony Brook students. In addition, as noted in the preamble, this Code may be applied to off-campus violations if such violations are deemed to adversely affect the safety and security of the University, University property or individual members of the University community.

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<sup>9</sup> [NYS Vehicle and Traffic Law, Section 1192-a, Operating a vehicle after having consumed alcohol; under the age of twenty-one; per se \(effective November 1, 1996, S5960, Chapter 196 of the Laws of 1996\).](#)

### 13. Commercial Activities and Solicitation

The University prohibits the operation of commercial enterprises on campus. Exceptions are made for specific, controlled enterprises that contribute to the convenience and well-being of University members and that conform to established policies. No student may engage in commercial activities/solicitation without clearance from a duly authorized University official (i.e. Vice President for Administration or designee).

### 14. Tobacco-Free University

Stony Brook University Tobacco-Free Policy establishes a tobacco-free environment. No form of tobacco use, which includes electronic cigarettes, is allowed on University property. This includes all indoor and outdoor locations. The use of tobacco is also prohibited in all University vehicles, which includes, but are not limited to, buses, vans, cars, and trucks. The policy, along with resources, is available on the University's tobacco-free website available at: <http://www.stonybrook.edu/commcms/tobaccofree>

## B. Residence Hall and Apartment Policies

Residence halls and University apartments offer students the advantage of convenience of location for academic pursuits and the advantage of participation in a peer community. The University sets certain limits on occupancy and establishes policies to preserve the facilities and promote safety and health. By University policy, residents are responsible for maintaining good order in the residential facilities. The provisions set forth in the Terms of Occupancy are incorporated into and operate in concert with the terms of the Code. Student conduct action may be initiated under the Code against residents violating such provisions. The Terms of Occupancy are available online at:

<https://www.stonybrook.edu/commcms/studentaffairs/res/safety/policies.php>

## IV. ADMINISTRATIVE HEARING PROCESS

Alleged violations of the Code provided in Section III will be reviewed in accordance with the procedures outlined in this Section. A finding of responsibility as to each of the charges must be supported by a preponderance of the evidence; whether it is "more likely than not" that the incident occurred. If the totality of all the information presented meets this standard, then the Respondent must be found responsible. The burden of presenting such evidence rests with the Complainant(s).

### A. Prehearing Procedures

#### 1. Complaint or Referral

Any member of the University community (student, staff or faculty) may make a complaint and/or referral or offer information concerning such complaint and/or referral to the appropriate office or person (i.e. Dean of Students, Division of Campus Residences, Office of Equity and Access, Title IX Coordinator, Title IX Deputies, Student Conduct and Community Standards, University Police, etc.). A complaint or referral made against a student or students, alleging violation(s) of the Code, shall be directed to a University official. In an appropriate case, a University official may act as a Complainant on behalf of others in enforcing the terms of this Code. All alleged violations shall be referred to the Office of Student Conduct and Community Standards. In order to facilitate a timely investigation and processing of complaints, it is recommended that referrals are made within thirty (30) calendar days following the date of the incident giving rise to the complaint.

##### a. Mediation (Dispute, Conflict Resolution)

In certain situations, mediation is a process available for resolving disputes between individuals or groups. Mediation is a voluntary, confidential and non-judgmental process providing an opportunity for parties in conflict to meet with a mediator to present the issues. Mediation can be an alternative to or supplement the formal student conduct process for certain types of conflict. The mediator's role is to facilitate a conversation between or among parties in conflict in an effort to reach an agreement. Mediation agreements are enforceable as Official Directives, and failure to comply with an agreement may be a violation of the Code. When a satisfactory agreement cannot be reached through mediation, the complaint may be referred for student conduct action, where appropriate.

#### 2. Investigation

A representative from the Division of Student Affairs (University official) shall investigate and determine whether further action is necessary within a reasonably prompt time frame and in an effective manner. The investigation includes interviews and requests for written statements from the parties (i.e. Complainants, Respondents, witnesses). If the Respondent fails to respond to one written request for an interview, the University official may proceed with a review of the evidence and information. In circumstances involving investigation of complaints when the Complainant does not choose to proceed, the University official reserves the right to continue its investigation regardless of Complainant cooperation or involvement. The University will make every effort to keep all investigations confidential to the extent possible/practical.

#### 3. Decision to Proceed

If in the judgment of the University official, sufficient evidence warrants further action, such official shall initiate one of the following procedures:

##### a. Directive to Appear/Notice of Charges - The student charged with an alleged violation of the Code will be provided with written notice of charges and will be required either to meet with a University official for a

student conduct meeting or attend a hearing on the date cited in the notice. The hearing shall be scheduled for no less than ten (10) calendar days from the date of the notice.

- b. Student Conduct Meeting** - A student conduct meeting is a meeting between a student involved in an alleged violation of the Code and a University official. In some cases, the meeting may resolve the matter and sanctions will be imposed.

**4. Hearing Waiver**

A Respondent may choose to accept responsibility for and not contest the charges against them. If this election is made, the student will sign a waiver of their right to a hearing and must accept the sanction(s) identified in the waiver. A student's decision to waive a hearing and accept the sanction is final and not appealable.

**5. Case Preparation**

A University official informs the Complainant(s) and Respondent(s) of the rights and responsibilities they will have in the scheduled hearing.

**6. Information in Support/Defense of Allegations**

Information in support/defense of allegations (including statements, documentary and/or physical material) to be presented by Complainant(s) and Respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The University official presiding at the hearing may exclude information in support/defense of allegations that has not been shared or adjourn the hearing to afford all parties the opportunity to review information in support/defense of allegations to be presented during the hearing. The University official presiding at the hearing will make the final decision relating to the admissibility of all information in support/defense of allegations. Hearsay information in support/defense of allegations, including written statements, may be considered. Firsthand oral statements subject to cross examination will be given greater weight than hearsay statements. Written statements from character witnesses are permitted into the hearing.

**7. Advisors**

The Complainant and Respondent may appear at the hearing with an advisor of their choice. The role of the advisor is to assist each party, but not to engage in any verbal presentation or questioning. Attorneys may serve as advisors to the parties subject to the same conditions and restrictions.

**8. Attendance at Hearing**

Those in attendance at the Board Hearing may include the Complainant(s), Respondent(s), their advisor(s), witness(es) (while giving statements), the presiding Hearing Officer, University official and Board (when assigned). A University observer may be present. The presiding University official shall determine whether additional persons may be present.

**9. Confidentiality**

In order to protect confidentiality, hearings shall be closed to members of the campus community and to the public.

**B. Hearing Boards**

**1. Purpose**

Hearing Boards are established for the purpose of hearing alleged violations of the policies detailed in the Code of Student Responsibility. The board will review the allegations, hear any responses, make decisions as to whether or not a policy was violated, and provide recommendations for sanctions where appropriate.

**2. Hearing Board Pool**

A Hearing Board Pool shall be selected from members of the University community (students, faculty, and staff).

**3. Composition**

Members of the Hearing Boards are selected from the Hearing Board Pool. A Hearing Board is composed of three to five members from the Hearing Board Pool. During intersession or summer sessions, or other periods when students and faculty are not readily available, the Hearing Board may be composed of at least one (1) student and one (1) faculty or staff member.

**4. Term of Service**

All Hearing Board members are expected to serve for at least one academic year and may continue to serve at the discretion of the Vice President for Student Affairs (designee) or the Assistant Vice President for Campus Residences (designee).

**5. Student Eligibility**

All students, full or part-time, shall be eligible for recruitment to serve as Hearing Board members, provided they have maintained a 2.50 cumulative grade point average, are not currently on University probation and have not been suspended from the residence halls/apartments or the University. Students with a student conduct record may be required to meet with a University official and their application may be denied.

**6. Training**

All members of the Hearing Board, upon receiving notice of appointment, shall be given necessary information about their responsibilities and the means by which they may fulfill them.

### **C. Hearing Procedures**

Hearings provide the forum where parties to an allegation are afforded the opportunity to present information for review by either a University official/Hearing Officer or a Hearing Board. In the event that a Respondent has received notice of a hearing and elects not to appear, the hearing shall proceed in their absence and a determination of responsibility shall be made and sanctions imposed. When requested, the University will provide options for a room divider, use separate hearing rooms, or other reasonable mechanisms to directly cross examine the other party. The hearing procedures generally include the following basic steps:

**1. Opening**

The presiding Hearing Officer states the alleged charges and identifies the individuals present.

**2. Challenge**

Hearing Board members who feel they cannot fairly serve shall be excused. Conflicts of interest must be disclosed. Any party may request and cite cause for the removal of any member of the Board. The Hearing Officer will determine whether the cited cause warrants removal.

**3. Student Response**

The Respondent(s) will be asked to state their response (i.e., responsible or not responsible) to each of the alleged violations.

**4. Complainant Presentation**

Complainant presentation should begin with an opening statement describing the alleged violation(s). Information in support/defense of allegations submitted by the Complainant will be provided to a University official/Hearing Officer and the Hearing Board. The Respondent, then the presiding University official/Hearing Officer or Hearing Board members may question the Complainant regarding the opening statement and significant information supporting the allegation. Complainant's witness(es) individually present oral statements. The Complainant, then the Respondent, followed by the presiding University official/Hearing Officer or Hearing Board members may question the witness(es).

**5. Respondent Presentation**

Respondent presentation should begin with an opening statement describing the alleged conduct. Information in support/defense of allegations submitted by the Respondent will be provided to a University official/Hearing Officer and the Hearing Board. The Complainant, then the presiding University official/Hearing Officer or Hearing Board members may question the Respondent regarding the opening statement and information defending the allegation. Respondent's witness(es) individually present oral statements. The Respondent, then the Complainant, followed by the presiding University official/Hearing Officer or Hearing Board members may question the witness(es).

**6. Closing Statements**

After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the Complainant(s), then by the Respondent(s). Closing statements are intended to summarize the information previously introduced during the investigation process and hearing. No new evidence or statements may be introduced during closing statements. No questioning is allowed during or after closing statements.

**7. Deliberation**

After closing statements have been presented, a review of information in support/defense of allegations is conducted by the Hearing Board or by the presiding University official/Hearing Officer to determine Respondent's responsibility as to each of the charges. The presiding University official/Hearing Officer will act as a non-voting facilitator when conducting a review.

**8. Decision**

Upon a review of the totality of the information discussed during the deliberation process, a decision regarding the Respondent's responsibility as to each of the charges shall be made by a majority vote of the Hearing Board. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).

**9. Recommendation/Determination of Sanctions**

The presiding Hearing Officer, upon consideration of the recommendation of the Hearing Board, shall recommend sanction(s) based upon the extent of responsibility determined. Upon receipt of the recommendations and after review of any previous student conduct record of the Respondent(s), the University official will make a final determination on the sanction(s). See Section V for information on student conduct sanctions.

### **D. Post Hearing Procedures**

After the hearing procedures in Section IV.3. have taken place, the following will occur:

### 1. Notification/Hearing Disposition

The decision of the proceeding will be communicated in writing to the Respondent and to the Complainant by the presiding University official/Hearing Officer (or designee). Written notification (also called a disposition) will include the date and time of the hearing, the findings, and the sanctions to be imposed, if any. If the Respondent charged is found responsible and a sanction is to be imposed, the notification/disposition shall inform the Respondent of the right to an appeal and the method for submitting the appeal (see Section VI).

### 2. Hearing Documents

A written notification/disposition summarizing the main points of the proceedings and information in support/defense of allegations presented during the hearing become part of the proceeding's official record. Recordings made during the hearing also become part of the official record. These materials are confidential. However, these materials are made available, in cases of appeal and upon request, to the designated University official/Hearing Officer or Hearing Board hearing the appeal and to the student(s) requesting the appeal. Unless otherwise required by law, all information obtained during the course of the investigation and hearing shall be protected from public release.

### 3. Enforcement

The presiding University official/Hearing Officer and other designated University officials will ensure that any sanctions imposed are carried out on behalf of the University. Information on student conduct sanctions is provided in Section V.

## V. SANCTIONS

### A. Determination of Sanctions

The determination of sanctions for violations of the Code shall be made by the designated University official in the case of a board hearing or by the Hearing Officer in the case of a non-board hearing. This determination shall take into consideration all relevant factors, including but not limited to, the facts and circumstances surrounding the incident(s) that gave rise to the violation, the Respondent's state of mind, any mitigating factors, and any past student conduct record of the Respondent. More serious sanctions may be imposed for multiple or repeated violations.

### B. Sanctions

The following sanctions may be imposed once a determination has been made. Failure to complete a sanction may result in a Registration, Transcript, and/or Diploma hold being placed on the student's account. Please note: Pursuant to the Campus Residences Terms of Occupancy <https://www.stonybrook.edu/commcms/studentaffairs/res/safety/policies.php> and Housing Agreement, any student removed from campus housing due to a student conduct decision will be ineligible for a refund of room fees and will be responsible for all amounts owed.

#### 1. Informal Warning

An informal warning advises a student to be more mindful of their behavior and encourages them to review the Code of Student Responsibility in order to ensure future compliance with all policies and procedures. Informal warnings are not routinely reported as student conduct action unless subsequent violations of the Code occur.

#### 2. Written Warning

A written warning indicates that a student has violated a University policy and that continued or repeated violations of University policy will result in further student conduct action.

#### 3. Restitution

Restitution for violations against University property may include the restoration or replacement cost of the lost or damaged property.

#### 4. Special Restrictions or Loss of Privileges

Students may be restricted from participating in certain specified events and activities and may be prohibited from entering certain areas of the campus, including certain facilities and offices. Student access to specific services may also be limited if a pattern of abuse of said services has been identified.

#### 5. University Probation

Students may be placed on University probation for a period of time. Violations of University policies during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the student may be required to attend periodic meetings with a University official. The terms of the probation will be tailored to fit the individual circumstances and may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and service to the University or affiliated entities. Students placed on University probation may not hold student staff positions including but not limited to: Resident Assistant, Office Assistant, Building Coordinator, Orientation Leader, Residential Safety Patrol, Work Crew and Residence Orientation, for the duration of the probationary period. Students placed on University probation may not hold executive board or leadership positions in recognized student organizations and/or councils.

#### 6. University or Residential Service & Educational Projects and Programs

Students may be assigned projects, programs and service (hereinafter referred to as “University Service”) to the University or affiliated entities. “University Service” is work performed at a stipulated location within the University and with a stipulated supervisor. The Director of the Office of Student Conduct and Community Standards, or designee, will arrange and administer “University Service” sanctions. Failure to complete the assigned “University Service” or educational project within the specified time period and may increase the assignment or result in additional sanctions. Failure to satisfactorily complete an assigned project, program or service will result in a notation “Conduct sanction not completed” on the student’s academic record. This notation will be removed upon completion of the assigned educational project, program or service.

**7. Suspension from the Residence Halls/Apartments**

A student may be required to move out of the residence halls/apartments for a given period. The student may apply to be readmitted to the residence halls/apartments following the period of suspension. No preference shall be given to such student in the readmission or re-entry process. Any individual under suspension from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of suspension from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

**8. Expulsion from the Residence Halls/Apartments**

A student may be required to move out of the residence halls/apartments completely and permanently. Any student expelled from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of expulsion from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

**9. Suspension from the University**

Upon suspension from the University, a person loses all of the rights and privileges of being a student of the University for a stipulated period and is prohibited from using or entering the campus or its facilities. Any suspended individual found on campus during the suspension period will be subject to arrest. Suspension from the University will result in a notation on the student’s academic record. After a period of five (5) years, a student may request removal of the notation. Any student that is suspended will be blocked from registering for classes and must schedule a meeting with the Office of Student Conduct and Community Standards prior to registering/returning to the University.

**10. Expulsion from the University**

Upon expulsion from the University, a person loses all of the rights and privileges of being a student and is prohibited from using or entering the campus or its facilities. Any expelled individual found on campus will be subject to arrest. Expulsion from the University will result in a notation on the student’s academic record.

**11. Restriction from Personal Contact**

A student may be restricted from having any personal, verbal, electronic (email, instant message, text message, social media etc.), written, phone, cell phone, or third-party contact with another person. Intentional contact with the other party is a violation of University policy and may result in additional student conduct action.

**C. Specific Sanctions Pertaining to Residential Students**

**1. Administrative Reassignment**

A student may be reassigned to an available space on campus at the discretion of a University official. The student shall be required to move to the new assignment within a specified period of time or be subject to immediate suspension from the residence halls/apartments.

**2. Residential Probation**

Students may be placed on residential probation for a specified period of time. During this time, students are permitted to continue to reside in University housing. Violations of University policies during the probationary period may result in additional and more significant sanctions including but not limited to housing suspension or expulsion. While on Residential Probation, students will not be able to select to live in West Apartments, Chávez or Tubman Halls during the housing selection period.

**VI. APPEALS**

**A. Grounds for Appeal**

Students found responsible for offenses under Sections III and IV of the Code may appeal such findings on the following limited grounds:

1. Significant violation of student conduct procedures;
2. New information, unavailable at the time of the hearing, has become available and could have substantially impacted the decision; and/or
3. The sanction(s) issued is/are disproportionate in relation to the student’s conduct record and/or nature of the violation.



## B. Application for Appeal

Students wishing to appeal a disposition must submit a written application to the designated office within seven (7) calendar days of receipt of the disposition. The application for appeal must identify which of the three grounds forms the basis of the appeal. Students must be in compliance with the disposition at the time of their appeal request and until a final decision on their appeal is rendered.

## C. Appeal Procedure

If the appeal has been submitted within the specified time frame and has identified at least one of the permissible grounds for appeal, the designated University official will review the complete record of the case, the statements of any parties, or any other information in defense of allegations, and where necessary, may require interviews with the parties involved. The designated University official will be a neutral decision maker who will conduct the appeal in an impartial manner. The student(s) shall be notified in writing of the decision. The decision of the University official will be final.

# VII. SEXUAL MISCONDUCT POLICY AND PROCEDURE

## A. Executive Summary

Stony Brook University is committed to fostering diverse and inclusive educational and recreational environments that are safe and accessible for all students. Sexual misconduct that falls outside the scope of the University's Title IX policy is prohibited as it violates this Code. This policy sets forth the manner in which an allegation of non-Title IX sexual misconduct, (which includes sexual harassment, non-consensual sexual contact, dating/domestic violence, stalking, and retaliation) will be addressed by the Office of Student Conduct and Community Standards in consultation with the Office of Equity and Access. The University takes all complaints of sexual misconduct very seriously and will respond to all allegations brought to its attention. A complaint may be filed with any of the following offices/Responsible Employees (also detailed in University Sexual Misconduct & Reporting Policy<sup>10</sup>).

### 1. Office of Student Conduct and Community Standards (SCCS)

Location: Stony Brook Union, Suite 209

Phone Number: (631) 632-6705

Link: <https://www.stonybrook.edu/commcms/studentaffairs/sccs/>

### 2. Office of Equity and Access (OEA)

Location: Administration Building, Suite 201

Phone Number: (631) 632-6280

Link: <http://www.stonybrook.edu/oea>

### 3. University Police Department (UPD)

Location: Dutchess Hall on South Campus

Phone: (631) 632-3333

Link: [www.stonybrook.edu/police](http://www.stonybrook.edu/police)

### 4. Campus Sexual Assault Victims Unit

New York State Police

Hotline: 1-844-845-7269

Certain faculty, administrators, and staff, known as "Responsible Employees" are any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct to the Office of Equity and Access or other appropriate school designees; or whom a community member could reasonably believe has this authority or duty.

The following employees have reporting obligations and must report any incident of sexual misconduct they become aware of to the Office of Equity and Access:

- Senior Administrators (Directors and above and in the hospital, Nurse Managers and above)
- Chairs of Academic Departments
- Supervisors
- Ombudsmen
- Assistant/Associate Directors in Campus Residences
- Residence Hall Directors
- Athletics Coaching Staff
- University Recognized Sports Club Coaches
- Academic Faculty Members
- Professional Staff In:
  - o Academic Advisement
  - o Career Services

<sup>10</sup> <https://www.stonybrook.edu/policy/policies.shtml?ID=106>

- o Continuing Education
- o Financial Aid
- o Instructional Support
- o Athletics
- o Campus Residences
- o Student Activities or Student Affairs

Students who wish to find out about their options for reporting an incident and/or support resources should contact:

1. **Stony Brook University Office of Equity and Access Webpage**  
The website provides you with information regarding resources and reporting options at Stony Brook University [www.stonybrook.edu/oea](http://www.stonybrook.edu/oea)
2. **SUNY Sexual Assault & Violence Response (SAVR) Resources**  
The website provides you with information you can use to seek resources and support, and to report the crime to law enforcement and the campus. Information provided in over 120 languages.

Students who wish to speak confidentially about an incident should contact:

1. **Center for Prevention and Outreach (CPO)**  
Location: Stony Brook Union Suite 108  
Phone: (631) 632-2748  
Link: [Home | Center for Prevention and Outreach](#)
2. **Counseling and Psychological Services**  
Location: Student Health Center – Second Floor  
Phone: (631) 632-6720  
Link: <https://www.stonybrook.edu/caps/>
3. **SAFE/SANE Program (Sexual Assault Forensic Examiner)**  
Location: University Hospital / Stony Brook Medicine  
Phone: VIBS Hotline (631) 630-3606  
The SAFE/SANE at Stony Brook University Medical Center provides confidential medical care and a forensic exam by a Sexual Assault Nurse Examiner. SAFE/SANE services are available within 120 hours of the incident.
4. **Student Health Service**  
Location: Student Health Center – First Floor  
Phone: (631) 632-6740  
Link: <https://www.stonybrook.edu/commcms/studentaffairs/shs/>

Should a complaint result in a University administrative hearing, a Complainant has options regarding their level of involvement in the Review Panel Proceedings (detailed below), which includes but is not limited to: Acting as a Complainant and presenting their case to the Review Panel; or Acting as a Witness and providing statements to the Review Panel. Regardless of which option(s) they choose, the Complainant may further choose to: have a partition between the Complainant and Respondent; teleconference/videoconference into the proceeding; or request another method of shielding. The Complainant may also choose not to attend the hearing at all. The level of Complainant's involvement (presence or absence) at the Review Panel Proceedings will not factor into the Review Panel's determination.

## B. Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the student conduct process and/or criminal justice process free from pressure by the University;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;

8. Be protected from retaliation by the University, any student, the accused and or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the University;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or Respondent throughout the student conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by investigative, criminal justice, or student conduct process of the University.

The University has outlined in the following pages the sexual misconduct policy and the procedure for adjudicating any allegations when the accused (Respondent) is a student (as defined in Section I).

## C. Sexual Misconduct Policy

### 1. Confidentiality

The Office of Student Conduct and Community Standards (SCCS) in collaboration with the Office of Equity and Access will conduct the investigation in a confidential manner to the extent practicable and/or permitted by law. The parties and witnesses are expected to cooperate fully in the investigation and maintain and preserve the confidentiality of the investigation. Hearings shall be closed to members of the campus community and to the public. Student conduct records, except as hereinafter provided, will be confidential in accordance with Federal and State laws relating to disclosure.

### 2. Privacy versus Confidentiality

Students who wish to speak confidentially about an incident should contact the Center for Prevention and Outreach at (631) 632-2748, Counseling and Psychological Services (CAPS) at (631) 632-6720, Student Health Service at (631) 632-6740, or the SAFE/SANE Program (Sexual Assault Forensic Examiner) at (631) 360-3606. Reports made to these resources will be kept confidential and individually identifiable information will not be reported to the Office of Equity and Access.

Even Stony Brook University 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 for the Office of Student Conduct and Community Standards and the Office of Equity and Access to investigate and/or seek a resolution. Stony Brook University will limit the disclosure as much as possible, even if the Office of Equity and Access determines that the request for confidentiality cannot be honored.

### 3. Obligation to Investigate

If a student discloses an alleged incident of sexual misconduct to a non-confidential employee that disclosure may be reported to the Office of Equity and Access whether or not the student requests confidentiality. Certain Stony Brook employees, designated as responsible employees, are required to report incidents of sexual misconduct.

If the Office of Equity and Access becomes aware of an incident of sexual misconduct, Stony Brook may be required to investigate. The Office of Equity and Access may not be able to honor a request not to investigate or for confidentiality if failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. The Office of Equity and Access must weigh the request against Stony Brook's obligation to provide a safe, welcoming and non-discriminatory environment. Factors used to determine whether to or not to honor a request for confidentiality or not to investigate include (but are not limited to):

- a. whether the respondent has a history of violent behavior or is repeat offender;
- b. the increased risk that the respondent will commit additional acts of violence;
- c. whether the accused used a weapon or force;
- d. whether the reporting individual is a minor;
- e. whether the University has other means to obtain evidence such as security footage;
- f. and whether available information reveals a pattern at a given location or by a particular group.

Stony Brook may provide interim measures or other assistance to a reporting individual regardless of whether that individual consents to an investigation.

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, Stony Brook is not obligated to begin an investigation based on this information.

### 4. Amnesty

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. Stony Brook University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Stony Brook University strongly encourages students to report

domestic violence, dating violence, stalking, or sexual assault to University officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Stony Brook University officials or law enforcement will not be subject to Stony Brook University Code of Student Responsibility action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

**5. Retaliation**

Retaliation against an employee, student or any witness who participates in any University investigation is prohibited. Retaliation is also prohibited against any individual who files a sexual misconduct complaint or participates in a complaint investigation in any manner. Any substantiated act of retaliation may result in sanctions or other student conduct action as covered by the Code of Student Responsibility or University policy and/or the conduct procedures pursuant to the applicable collective bargaining agreements and applicable policies and procedures.

**6. Sexual Misconduct**

Sexual misconduct, which can occur in many forms, is discrimination on the basis of sex and/or gender, and may occur between people of the same or opposite sex, or who identify as LGBTQ, and it is prohibited. The Parties will be made aware of their rights and available resources. The following behaviors constitute sexual misconduct:

**a. Sexual Harassment**

No student shall perform any acts that are considered to be sexual harassment. Sexual harassment encompasses unwelcome sexual advances, unwelcome requests for sexual favors or requests for sexual favors in exchange for some benefit, and/or verbal or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual harassment is a form of sexual discrimination. Sexual harassment occurs when:

- i. Submission to such conduct is made either explicitly or implicitly a term of or condition of any individual's employment or education; or
- ii. Submission to or rejection of such behavior by an individual is used as the basis for employment or educational decisions affecting the individual; or
- iii. A behavior is sufficiently severe or pervasive to interfere with any individual's work or educational performance, or create an intimidating, hostile, or offensive work or educational environment. Such prohibited conduct includes, but is not limited to, unwelcome sexual communication, touching, and non-consensual sexual contact, including but not limited to sexual touching, intercourse, and violence. Examples of sexual harassment include, but are not limited to:
  - a. Comments
  - b. Derogatory statements or other verbal abuse
  - c. Exploitation
  - d. Graphic or sexually suggestive comments about an individual's attire or body
  - e. Graphic or sexually suggestive gestures
  - f. Exposing one's genitals
  - g. Inquiries or discussions about sexual activities
  - h. Profanities
  - i. Sexually suggestive letters or other written materials
  - j. Slurs
  - k. Teasing
  - l. Touching

**b. Non-consensual sexual contact**

No student shall perform any acts that are considered to be non-consensual sexual contact. Non-consensual sexual contact is any contact of a sexual nature which is unwanted or unwelcome. Sexual contact with another person without consent (as described in Section VII.C.6. below) is prohibited. Non-consensual sexual contact may include but is not limited to:

- i. Attempted penetration
- ii. Brushing up against another in a sexual manner
- iii. Fondling
- iv. Grabbing
- v. Kissing
- vi. Pinching

**c. Non-consensual sexual intercourse and/or penetration**

No student shall perform any acts that are considered to be non-consensual sexual intercourse and/or penetration. Non-consensual sexual intercourse and/or penetration is any sexual penetration or intercourse that is unwanted or unwelcome. Prohibited conduct includes but is not limited to non-consensual:

- i. Anal and vaginal penetration and attempted penetration and/or intercourse.
- ii. Oral sex or attempted oral sex, or the insertion of a foreign object into the vagina, urethra, penis or rectum of another.
- iii. This also includes what may be referred to as sexual assault, which is also commonly known as "rape," whether forcible, or non-forcible, "date rape" and "acquaintance rape." For parties found responsible for Non-consensual sexual intercourse and/or penetration, the available sanctions are suspension with additional requirements and expulsion.

**d. Non-consensual physical violent contact during sexual contact**

No student shall perform any acts that are considered to be non-consensual physical violent contact during sexual contact. Prohibited conduct includes but is not limited to punching, choking, burning or otherwise intentionally causing serious physical harm without consent of a partner.

**e. Dating Violence**

No student shall perform any acts that are considered to be 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 nature and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two 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 socializing 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. Dating violence includes:

- i. Isolation: Trying to cut off relationships with other family and friends.
- ii. Emotional abuse: Humiliating the Complainant in front of friends, guilt and manipulation if confronted, extreme and persistent jealousy.
- iii. Intimidation: Instilling fear through threatening behavior, verbal aggression, abuse of animals or destruction of property.
- iv. Coercion: Threatening to harm themselves or a third party if demands are not met or the relationship is ended.
- v. Physical: Using or threatening to use physically assaultive behavior such as hitting, shoving, grabbing, shaking, slapping, beating, kicking, etc.
- vi. Sexual: Non-consensual sexual touching or non-consensual sexual activity.
- vii. Harassment: Using electronic media (internet, cell phones, texting, and social media) or other means to keep track of the Complainant.

**f. Domestic Violence**

No student shall perform any acts that are considered to be domestic violence. Domestic violence is any felony or misdemeanor crime of violence committed by a current and/or former spouse and/or intimate partner of the victim. An intimate partner includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an intimate relationships, including but not limited to, couples who live together or have lived together.

**g. Stalking**

No student shall engage in stalking. The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear 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 (cyberstalking), with such person(s) in a manner likely to harass, intimidate, annoy, or create a nuisance or alarm.

**7. 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.

**a. Non-consent/Limitations of Consent**

- i. Consent to any sexual contact or any specific sexual act cannot be given if an individual is under the age of 17.
- ii. 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.
- iii. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.
- iv. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- v. 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:
  - a. A physical or mental condition, infirmity or disability that limited informed decision making;
  - b. The lack of consciousness or being asleep;
  - c. Being involuntarily restrained; or
  - d. If an individual otherwise cannot consent.
- vi. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants (whether involuntary or voluntary) may be incapacitated and therefore unable to consent.
  - a. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of immediate or future harm.

- b. Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion is more than an effort to persuade, entice or attract another person to engage in sexual activity.
    - c. Intimidation is an implied threat that menaces or causes reasonable fear in another person.
  - vii. Consent cannot be given when it is the result of the use of physical intimidation to secure compliance with sexual activity.
  - viii. Intoxication or impairment of the Respondent is no defense to charges of sexual misconduct.
- b. **Revocation of Consent**
  - i. Consent may be initially given, but it may be revoked/or withdrawn at any time, either verbally, through physical resistance, or by losing consciousness.
  - ii. When consent is withdrawn or cannot be given, sexual activity must stop.
  - iii. Failure to cease sexual contact promptly in response to withdrawal of consent constitutes prohibited non-consensual sexual contact.

#### D. **Sexual Misconduct Procedures/Resolving Complaints**

The Complainant has the right to make a complaint against the Respondent. If charges are brought and a hearing is conducted, a finding of responsibility as to each of the charges must be supported by a preponderance of the evidence; whether it is “more likely than not” that the incident occurred. The Respondent enjoys a presumption of not responsible unless and until proven otherwise by a preponderance of the evidence. If the totality of all the information presented meets this standard, then the Respondent will be found responsible.

##### 1. **Time Limits**

In the interest of ensuring a safe and welcoming environment at University facilities and University sponsored programs or affiliated activities there is no time limit which bars the reporting of an incident of alleged sexual misconduct. Note, however, that the more time that lapses between the incident and the investigation the more difficult it will be for the University to obtain complete and accurate witness statements and other information to address the complaint.

##### 2. **Time Frame**

Absent extenuating circumstances, the investigation process from receipt of a complaint through determination is expected to take place within ninety (90) calendar days from the University’s receipt of the complaint. Note however, the period of time required to take in an initial inquiry, report or complaint from the initial interview process through the conclusion of the investigation and resolution, may be impacted by various factors, such as the complexity of the case, immediate availability of parties, witnesses and other information in support or defense of an allegation, on-going criminal investigations, etc. Therefore, the time frame may exceed ninety (90) calendar days.

Stony Brook University will comply with law enforcement requests for cooperation, which may require the Office of Student Conduct and Community Standards and other University offices to temporarily suspend the fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. Temporary delays should not last more than ten (10) business days except when law enforcement specifically requests and justifies a longer delay. Stony Brook University will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process. As necessary, Stony Brook University will implement appropriate interim steps during the law enforcement agency’s investigation to provide for the safety of the parties and the University community, and to avoid retaliation.

##### 3. **Timely Notice of Meetings**

Both parties will be given timely notice of any meeting they are required or eligible to attend.

##### 4. **Interim Measures**

When deemed necessary the University will take appropriate interim measures concerning the interaction of the parties: Pending the investigation process; Before the final outcome of the investigation and if applicable; Review Panel. Interim measures include but are not limited to:

###### a. **Temporary Restriction from Personal Contact**

Imposing a temporary restriction from personal contact means that the parties are prohibited from having any personal, verbal, electronic (email, instant message, text message, social media etc.), written, phone, cell phone, or third-party contact with another person pending an investigation and/or hearing whenever the contact could constitute a danger to the person or to the safety of the person or property, or the seriousness of the allegations warrants such action. If the accused/respondent and a reporting individual/complainant observe each other in a public place, it will be the responsibility of the accused/respondent to leave the area immediately and without directly contacting the reporting individual/complainant. Intentional contact with the other party is a violation of University policy and may result in additional student conduct action. Any student so restricted may obtain an explanation of the basis for such restriction upon request.

###### b. **Interim Suspension**

Whenever the continued presence of a student charged with Code violations would constitute a danger to the student or to the safety of persons or property on the premises of the institution, or their presence would pose a threat of disruptive interference with the normal conduct of the institution’s activities and functions, or

the seriousness of the charges warrants such action, the Vice President of Student Affairs or designee may issue an Interim Suspension may apply to a portion of the University or the entire campus.

**c. Alternate Academic Scheduling**

A student's academic schedule may be altered/limited. Limitations include: restricting parties from attending class/classes, reassigning parties to a different class section, allowing parties to attend their scheduled class but with restrictions, allowing students to attend classes but requiring parties to sign in and out, restricting parties from certain areas of campus, restricting parties from campus but allowing parties to fulfill class requirements via internet, restricting parties from attending graduation or other ceremonies, etc.

**d. Campus Restrictions**

Students may be restricted from: certain areas/buildings/facilities/departments/offices on campus, participating in events/activities/sponsored events, parking and/or driving on campus or in certain areas, or from utilizing certain services including but not limited to, using Stony Brook bus services, etc.

**e. Technological Restrictions**

Students may be restricted from accessing campus internet or SINC sites, and/or another party's Stony Brook email accounts.

**f. Housing Restrictions**

Students may be restricted from certain buildings/quads/areas on campus, relocating parties to different room assignments; or have their guest privileges restricted.

**g. Employment Restrictions**

Employment, including but are not limited to, restricting the dates/times/locations/hours permitted to work.

Both the Complainant and the Respondent may request a prompt review, reasonable under the circumstances, of the need for and terms of an interim measure (b. through g.), including potential modification and shall be allowed to present evidence in support of their request.

**5. Student Conduct Conference**

When the evidence does not merit conduct charges but concerns regarding conduct or escalating behavior remain, the University may request that a student attend a Student Conduct Conference to review the University's concerns and the applicable sections of the Code of Student Responsibility. Students will be encouraged to be more mindful of the Code of Student Responsibility and their behavior. When appropriate the student may be advised at a Student Conduct Conference of any interim measures during the investigation that will continue.

**6. Prehearing Procedure**

A University official will inform the Complainant(s) and Respondent(s) of the scheduled hearing.

**a. Navigator**

The Complainant(s) and Respondent(s) will each be offered a Navigator by the University. The role of the Navigator(s) is to assist the parties throughout the process. Navigator(s) may be present at any meetings or hearings with their assigned parties but may not engage in any verbal presentation or questioning at the Review Panel.

**b. Advisor**

In addition to a Navigator, the parties may each select an advisor of their choice. However, the parties may each have only one person at the Review Panel. Advisors for either party may advise or assist but may not engage in any verbal presentation or questioning at the Review Panel. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated above.

**c. Investigation**

Investigations will be conducted by a University Investigator in accordance with the time frame set forth in Section VII.D.2. The Investigator is a neutral, fact-finding, impartial individual who is trained annually in investigating sexual misconduct complaints.

**i.** The investigation will include interviews with the parties and witnesses.

**ii.** Both parties will have the opportunity to offer information in support or defense of allegation(s).

**iii.** Students are expected to cooperate with the investigation, however, failure to respond to request for timely meetings will not halt the investigation.

**iv.** In circumstances involving the investigation of complaints where the Complainant does not choose to proceed, the University official reserves the right to continue its investigation regardless of Complainant cooperation or involvement.

**v.** Upon completion of the investigation, the Investigator will prepare a report which the Complainant(s) and Respondent(s) will be permitted to review prior to the hearing

**d. University's Decision to Proceed**

Upon completion of the investigation, the Office of Equity and Access and the Office of Student Conduct and Community Standards shall determine whether there is sufficient evidence to warrant further action. If such evidence exists, the following will occur.

**e. Directive to Appear and Notice of Charges**

The student charged with an alleged violation of the sexual misconduct policy will be provided written notice of the allegations. The Notice will include the date, time, location, and description of the alleged incident giving rise to the charges, the section(s) of the Code allegedly violated as well as the sanctions that could be imposed if the student is found responsible for the allegations. The Notice will also direct the student to attend a Review Panel on a specified date. The Review Panel shall be scheduled for no less than ten (10) calendar days from the date of the Notice.

**f. Hearing Waiver**

Respondent may choose to accept responsibility for and not contest the charges against them. If this election is made, the student will sign a waiver of their right to a hearing and must accept the sanction(s) identified in the waiver. A student's decision to waive their hearing and accept the sanction(s) is final and not appealable by the respondent.

**g. Information in Support/Defense of Allegations**

Information in support/defense of allegations should be provided to the Office of Student Conduct and Community Standards prior to the conclusion of the investigation.

- i. The parties will be permitted to review the investigative report five (5) business days prior to the Review Panel Hearing.
- ii. Following review of the investigative report, parties must submit any rebuttal information in support/defense of the allegations to the Office of Student Conduct and Community Standards three (3) business days prior to the Review Panel Hearing.
- iii. Additional rebuttal information received by the Office of Community Standards following the completion of the investigation and the issuance of the investigative report will be reviewed to determine relevance and admissibility.
- iv. Additional information determined to be relevant and admissible will be provided to all parties no later than one (1) business day prior to the Review Panel Hearing.

**h. Information to be Presented at the Hearing**

All written information that will be presented at the hearing will be made available to the parties prior to the hearing as outlined above in g. The University official presiding at the Review Panel may exclude information in support/defense of allegation(s) that has not been provided as required above or adjourn the hearing. The University official will make the final decision relating to the admissibility of all information in support/defense of allegations. Written statements in support/defense of the allegations may be considered. Firsthand oral statements will be given greater weight than hearsay statements.

**7. Mediation (Dispute, Conflict Resolution)**

Mediation is a process available for resolving certain disputes between individuals or groups. For sexual misconduct cases, mediation is only available in cases where the Office of Equity and Access believes that mediation would be an appropriate option for resolution. In those cases, the Office of Equity and Access will present that option to Complainant(s) and Respondent(s). Stony Brook University will not compel a Complainant(s) or Respondent(s) to participate in mediation and mediations will only move forward with the consent and agreement of all parties involved. Any party can withdraw from mediation at any time. Mediation is a voluntary, confidential, and non-judgmental process providing an opportunity for parties in conflict to meet with trained mediators to present the issues. Mediation can be an alternative to or supplement the formal student conduct process for certain types of conflict. The mediator's role is to facilitate a written agreement between or among parties in conflict. Mediation agreements are enforceable as Official Directives, and failure to comply with an agreement may be a violation of the Code. When a satisfactory agreement cannot be reached through mediation, any party may refer the complaint for student conduct action.

**8. Review Panel Members**

**a. Attendance at the Review Panel**

Those in attendance at the Review Panel may include the Complainant(s), Respondent(s), their navigator or advisor, and witnesses (while giving statements), the presiding University official and Review Panel Members. The presiding University official shall determine whether additional persons may be present. Hearings shall be closed to members of the campus community and to the public.

**b. Review Panel Composition**

Review Panels are composed of faculty and staff members.

**c. Training**

All members of the Review Panel, upon receiving notice of appointment, shall be given necessary information about their responsibilities and the means by which they may fulfill them. Review Panel members will receive training and be knowledgeable about sexual violence and confidentiality requirements.

**9. Review Panel Hearing**

**a. Admittance of Prior Sexual/Mental Health History/Student Conduct History**

Prior sexual history with anyone other than the parties will not be permitted. Past mental health history will not be permitted. The prior student conduct history of the Respondent(s), if any, shall not be considered until a finding of responsibility has been made and such record will be relevant only to a determination of the appropriate sanction(s).

**b. Questioning**

Parties are prohibited from directly cross examining each other. All questions must be written and directed to the Hearing Officer. All questions must be directly relevant to the incident and policies allegedly violated. The Hearing Officer will ensure that improper questions are dismissed as such. The University may provide options for statements without direct contact, including but not limited to a room partition, separate hearing rooms, video conferencing, or phone conferencing. Each party has the right to ask questions regarding the investigation summary and/or report; parties may also question any witness present.

**c. Opening**

The presiding University official states the charges and identifies the individuals present.



**d. Challenge**

Any party may request and cite cause for the removal of any member of the Review Panel. The Hearing Officer will determine whether the cited cause warrants removal.

**e. Student Response**

The Respondent(s) will be asked to state their response (i.e., responsible, or not responsible) to each of the alleged violations.

**f. Investigation Summary/Report**

The University's designated investigator will commence the process by reading and/or summarizing the investigation report and providing the facts of the case.

**g. Complainant Presentation**

Complainant's presentation should begin with an opening statement describing the alleged conduct. The Complainant(s) may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts. The presentations should also include all information in support of the allegations. The Respondent(s), then the Review Panel members, may question the Complainant(s) regarding the opening statement and information in support of allegation(s).

**h. Respondent Presentation**

Respondent's presentation should begin with an opening statement, describing the alleged conduct. The presentation should also include all information in defense of allegations. The Complainant(s), then the Review Panel members may question the Respondent regarding the opening statement and information in defense of allegation(s). The Respondent may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts.

**i. Witnesses**

The Hearing Officer will introduce the witnesses and ask for their statements. The Complainant, then the Respondent, followed by the Review Panel members, may question the witnesses. The parties may only submit written statements from character witnesses. Oral statements from character witnesses will not be permitted.

**j. Closing Statement/Impact Statement**

After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the Respondent(s), then by the Complainant(s). Closing statements are intended to summarize the information previously introduced during the investigation process and hearing. No new evidence or statements may be introduced during closing statements. During this time, both parties may also provide an impact statement on how the incident/allegation has affected their University experience. No questioning is allowed during or after closing statements.

**k. Deliberation**

Upon conclusion of closing statements, the Review Panel reviews all information in support and defense of the allegation to determine the Respondent's responsibility as to each of the charges.

**l. Decision**

A decision regarding the Respondent(s) responsibility as to each of the charges shall be made by a majority vote of the Review Panel members. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).

**m. Recommendation/Determination of Sanction**

The Review Panel shall recommend sanctions to the Vice President of Student Affairs or designee. Upon receipt of the recommendations and after review of any previous student conduct record of the Respondent, the Vice President of Student Affairs or designee in consultation with the Assistant Vice President for Equity and Access or designee will make a final determination of sanctions.

**10. Post Hearing Procedure/Notification of Disposition**

The disposition of the hearing will be communicated in writing to the parties. The disposition will include the date and time of the hearing, the findings, the sanctions to be imposed, the reason for any sanction imposed, and the method for submitting appeals. Each party has the right to choose whether to disclose or discuss the outcome of a hearing. Unless otherwise required by law, all information obtained during the course of the investigation and hearing shall be protected from public release.

**11. Sanctions**

The following are sanctions that may be imposed. Please note: Pursuant to the Campus Residences Terms of Occupancy <https://www.stonybrook.edu/commcms/studentaffairs/res/safety/policies.php> and Housing Agreement, any student removed from campus housing due to a student conduct decision will be ineligible for a refund of room fees and will be responsible for all amounts owed.

**a. Written Warning**

A written warning indicates that a student has committed a violation of University policy and that continued or repeated violations of University policy will result in further student conduct action.

**b. Restitution**

Restitution for violations against University property may include the restoration or replacement cost of the lost or damaged property.

**c. Special Restriction or Loss of Privileges**

Students may be restricted from participating in specified events or activities and may be prohibited from specific areas of the campus or entering specific facilities and/or offices. A student's access to specific services may also be restricted.

**d. Residential Probation**

Students may be placed on residential probation for a specified period of time. During this time, students are permitted to continue to reside in University housing however, violations of University policy during the probationary period may result in additional and more significant sanctions including but not limited to housing suspension or expulsion.

**e. University Probation**

Students may be placed on University probation for a period of time. Violations of University policy during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the student may be required to attend periodic meetings with a University official. The terms of the probation will be tailored to fit the individual circumstances and may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and service to the University or affiliated entities. Students placed on University probation may not hold student staff positions, including but not limited to: Resident Assistant, Office Assistant, Building Coordinator, Orientation Leader, Residential Safety Patrol, Work Crew and Residence Orientation, for the duration of the probationary period. Students placed on University probation may not hold executive board or leadership positions in recognized student organizations and/or councils.

**f. University or Residential Service & Educational Projects and Programs**

Students may be assigned projects, programs and service (hereinafter referred to as "University Service") to the University or affiliated entities. "University Service" will be work performed at a stipulated location within the University and with a stipulated supervisor. The Director of the Office of University Community Standards, or designee, will arrange and administer University Service sanctions. Failure to complete the assigned University Service or Educational Project within the specified time period may increase the assignment or result in additional sanctions. Failure to satisfactorily complete an assigned project, program or service will result in the notation: "Conduct penalty not completed" on the academic record. The notation will be removed upon completion of the assigned educational project, program or service.

**g. Suspension from the Residence Halls/Apartments**

A student may be required to move out of the residence halls/apartments for a given period. The student may apply to be readmitted to the residence halls/apartments following the period of suspension. No preference shall be given to such student in the readmission or re-entry process. Any individual under suspension from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of suspension from the residence halls/apartments may be suspended from the University and subject to prosecution under the law. .

**h. Expulsion from the Residence Halls/Apartments**

A student may be required to move out of the residence halls/apartments completely and permanently. Any student expelled from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of expulsion from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

**i. Suspension from the University**

Upon suspension from the University, a person loses all the rights and privileges of a student of the University for a stipulated period and is prohibited from using or entering the campus or its facilities. Any suspended individual found on campus during the suspension period will be subject to arrest. Suspension from the University will result in a notation on the student's academic record. After a period of five (5) years, a student may request removal of the notation. Any student suspended will be blocked from registering for classes and must schedule a meeting with the Office of Student Conduct and Community Standards prior to registering/returning to the University.

**j. Expulsion from the University**

Upon expulsion from the University, a person loses all of the rights and privileges of a student and is prohibited from using or entering the campus or its facilities. Any expelled individual found on campus will be subject to arrest. Expulsion from the University will result in a notation on the student's academic record.

**k. Restriction from Personal Contact**

A student may be restricted from having any personal, verbal, electronic (email, instant message, text message, social media etc.), written, phone, cell phone, or third-party contact with another person. Intentional contact with the other party is a violation of University policy and may result in additional student conduct action.

**12. Appeals**

**a. Grounds for Appeal**

Either party may appeal the Review Panel findings on the following limited grounds:

- i. Significant violation of student conduct procedures;
- ii. New information, unavailable at the time of the hearing, has become available and could have substantially impacted the decision; and/or
- iii. The sanction(s) imposed is/are disproportionate in relation to the student's conduct records and/or the nature of the violation.

**b. Application for Appeal**

Students wishing to appeal a disposition must submit a written application to the designated office within seven (7) calendar days of receipt of the disposition. The application for appeal must identify which of the

three grounds forms the basis of the appeal. Students must be in compliance with the disposition at the time of their appeal request and until a final decision on their appeal is rendered.

**c. Appeal Procedure**

If the appeal has been submitted within the specified time frame and has identified at least one of the permissible grounds for appeal the designated Appeals Panel will review all information submitted. The Appeals Panel may also request interviews with the parties involved. The Appeals Panel will provide the student with its decision in writing. The decision of the Appeals Panel will be final.

**13. Links**

- a. Office of Student Conduct and Community Standards (SCCS)  
<https://www.stonybrook.edu/commcms/studentaffairs/sccs/>
- b. Office of Equity and Access  
<http://www.stonybrook.edu/oea>
- c. Students Bill of Rights  
[https://www.stonybrook.edu/commcms/oea\\_documents/Student-bill-of-rights.pdf](https://www.stonybrook.edu/commcms/oea_documents/Student-bill-of-rights.pdf)
- d. Complaint Procedure for Allegations of Discrimination  
[https://www.stonybrook.edu/commcms/oea\\_documents/Complaint\\_Procedure%2005\\_01\\_2018.pdf](https://www.stonybrook.edu/commcms/oea_documents/Complaint_Procedure%2005_01_2018.pdf)
- e. On-Line Sexual Misconduct Report Form  
<http://www.stonybrook.edu/reportit/>

## VIII. TITLE IX GRIEVANCE POLICY AND PROCEDURE

### A. Introduction

#### 1. What is the purpose of the Title IX Grievance Policy?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this University **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this University **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, Stony Brook University will implement the following Title IX Grievance Policy, effective August 14, 2020.

#### 2. How does the Title IX Grievance Policy impact other campus disciplinary policies?

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Stony Brook University must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

Stony Brook University remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

- **A Code of Student Responsibility** that defines certain behavior as a violation of campus policy, and a separate **Sexual Misconduct Policy** that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the University retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Code of Student Responsibility <https://www.stonybrook.edu/commcms/studentaffairs/sccs/conduct.php> or Complaint Procedure for Allegations of Discrimination.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Student Responsibility, employment policies, or any civil rights

violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

### 3. How does the Title IX Grievance Policy impact the handling of complaints?

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

## B. The Title IX Grievance Policy

### 1. General Rules of Application

#### a. Effective Date

This Title IX Grievance Policy will become effective on August 14, 2020 and will only apply to formal complaints of sexual harassment that occurred on or after August 14, 2020. Complaints regarding incidents occurring prior to August 14, 2020, will be investigated and adjudicated according to the Sexual Misconduct Policy and Procedure detailed in the Code of Student Responsibility or the Complaint Procedure for Allegations of Discrimination.

#### b. Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order. All reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication, shall also be revoked. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Student Responsibility or Discrimination Complaint Procedure.

#### c. Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the University's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

### 2. Definitions

#### a. Covered Sexual Harassment

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Code of Student Responsibility.

#### b. Consent

For the purposes of this Title IX Grievance Policy, "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.

#### c. Education Program or Activity

For the purposes of this Title IX Grievance Policy, Stony Brook University "education program or activity" includes:

- Any on-campus premises
- Any off-campus premises that Stony Brook University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.

- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Stony Brook University's programs and activities over which Stony Brook University has substantial control.

**d. Formal Complaint**

For the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within a Stony Brook University education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

**e. Complainant**

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

**f. Relevant evidence and questions**

"Relevant" evidence and questions refers to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

**g. Respondent**

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

**h. Privacy vs. Confidentiality**

Consistent with the Code of Student Responsibility references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean Stony Brook University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed 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 for tracking patterns and spotting systemic issues. Stony Brook University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

**i. Disability Accommodations**

This Policy does not alter any obligations of the University under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

**3. Making a Report Regarding Covered Sexual Harassment to the University**

- a.** Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: Marjolie Leonard  
 Title: Assistant Vice President, Title IX & ADA Coordinator  
 Office Address: 201 Administration Building, Stony Brook, NY 11794-0251  
 Email Address: [titleix@stonybrook.edu](mailto:titleix@stonybrook.edu)  
 Telephone Number: (631) 632-6280  
 Website to File a Report: <https://stonybrook.edu/ReportIt>

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

**b. Confidential Reporting**

The following Officials provide confidentiality:

- Counseling and Psychological Services (CAPS)
- Center for Prevention and Outreach
- SANE Program (Sexual Assault Nurse Examiner)
- Student Health Services

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator, Title IX Investigator, or designee
- The Office of Equity and Access
- The Office of Student Conduct and Community Standards
- Human Resources
- Labor Relations
- Responsible Employees:
  - Senior Administrators (Directors and above and in the hospital, Nurse Managers and above)
  - Chairs of Academic Department
  - Supervisors
  - Ombudsmen
  - Assistant/Associate Directors in Campus Residences
  - Residence Hall Directors
  - Athletics Coaching Staff
  - University Recognized Sport Club Coaches
  - Deputy Title IX Coordinators
  - Academic Faculty Members
  - Professional Staff In:
    - Academic Advisement
    - Career Services
    - Continuing Education
    - Financial Aid
    - Instructional Support
    - Athletics
    - Residential Life
    - Student Activities or Student Affairs

#### 4. Non-Investigatory Measures Available Under the Title IX Grievance Policy

##### a. Supportive Measures

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Stony Brook University regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive.

As appropriate, supportive measures may include, but not be limited to:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus walk service
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

##### b. Emergency Removal

Stony Brook University retains the authority to remove a respondent from Stony Brook University's program or activity on an emergency basis, where Stony Brook University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Stony Brook University determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. Details on emergency removals (Interim Suspension) can be found in section II.A of the Code of Student Responsibility.

##### c. Administrative Leave

Stony Brook University retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with the applicable collective bargaining agreement.

#### 5. The Title IX Grievance Process

##### a. Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) calendar days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator or designee a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Stony Brook University including as an employee. For complainants who do not meet this criteria, the University may utilize existing policy procedures detailed in the Code of Student Responsibility or the Complaint Procedure for Allegations of Discrimination.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Stony Brook University will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy or Code of Student Responsibility prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

**b. Informal Resolution**

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent. Information about this Process is available here:

<https://www.stonybrook.edu/commcms/oea-titleix/informal-resolution>.

**c. Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

**d. Determining Jurisdiction**

The Title IX Coordinator or designee will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in Stony Brook University's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Stony Brook University will investigate the allegations according to the Title IX Grievance Process.

**e. Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

**f. Mandatory Dismissal**

If any one of these elements are not met, the Title IX Coordinator or designee will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

**g. Discretionary Dismissal**

The Title IX Coordinator or designee may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by Stony Brook University; or,
- If specific circumstances prevent Stony Brook University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

**h. Notice of Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

**i. Notice of Removal**

Upon dismissal for the purposes of Title IX, Stony Brook University retains discretion to determine if a violation of the Code of Student Responsibility or the Complaint Procedure for Allegations of Discrimination has occurred. If so, Stony Brook University will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the appropriate conduct process.

**j. Notice of Allegations**

The Title IX Coordinator or designee will draft and provide the Notice of Allegations to each party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their University email accounts if they are a student or employee, and by other reasonable means if they are neither.

The University will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, each party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

**k. Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the University's Title IX Grievance Process (including information on the informal resolution process) and a hyperlink (or hard copy if Notice cannot be sent by email) to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- A statement that prohibits knowingly making false statements or knowingly submitting false information during the grievance process as detailed in section III.6 of the Code of Student Responsibility.

**l. Ongoing Notice**

If, in the course of an investigation, the University decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the University will notify the parties whose identities are known of the additional allegations by their University email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

**m. Advisor of Choice and Participation of Advisor of Choice**

Stony Brook University will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

Stony Brook University has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of Stony Brook University.

Stony Brook University will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Stony Brook University's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and Stony Brook University cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. Stony Brook University will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by Stony Brook University.

**n. Notice of Meetings and Interviews**

Stony Brook University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate. Parties will also be informed that any statements made, or evidence provided to a non-confidential individual (as detailed in VIII.B.3.b.) may be used throughout the Title IX grievance process.

**o. Delays**

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct and Community Standards or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted. The Title IX Coordinator, Director of Student Conduct and Community Standards or designee shall have sole judgment to grant further pauses in the Process.

**6. Investigation**

**a. General Rules of Investigations**



After issuing the Notice of Allegations, the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment.

Stony Brook University and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Stony Brook University and does not indicate responsibility. Stony Brook University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Stony Brook University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

**b. Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the University in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review (through an electronic format or a hard copy). Stony Brook University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. After the ten (10) calendar day review and response period, the investigator will not be required to accept a late submission. The investigator will consider the parties' written responses before completing the Investigative Report. After reviewing the parties' written responses, the investigator may provide the parties' with written notice extending the investigation and explaining the reason for the extension.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review, not to photograph or otherwise copy the evidence or use such evidence for any purpose unrelated to the Title IX grievance process.

**c. Inclusion of Evidence Not Directly Related to the Allegations**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors.

**d. Investigative Report**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) calendar days prior to the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

**7. Hearing**

**a. General Rules of Hearings**

Stony Brook University will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through the University's informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at Stony Brook University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Zoom or any other acceptable digital platform. This technology will enable participants simultaneously to see and hear each other. At its discretion, Stony Brook University may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn.

**b. Continuances or Granting Extensions**

Stony Brook University may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Stony Brook University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

**c. Participants in the live hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

**Complainant and Respondent (The Parties)**

- The parties cannot waive the right to a live hearing.
- The University may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence.
- Stony Brook University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions.
- The parties shall be subject to the institution's Rules of Decorum:  
<https://www.stonybrook.edu/commcms/oea-titleix/decorum-rules>

**The Decision-maker**

- The hearing body will consist of a single decision maker (the Hearing Officer).
- The Hearing Officer will not have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- The Hearing Officer will not have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The Hearing Officer will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding the Hearing Officer's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

**Advisor of choice**

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the University will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, Stony Brook University will provide an advisor to appear on behalf of the non-appearing party.
- The advisors shall be subject to the University's Rules of Decorum:  
<https://www.stonybrook.edu/commcms/oea-titleix/decorum-rules>

**Witnesses**

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.
- Witnesses shall be subject to the University's Rules of Decorum:  
<https://www.stonybrook.edu/commcms/oea-titleix/decorum-rules>

**Other University Personnel**

- Other University Personnel, including but not limited to a representative from the Stony Brook University Office of General Counsel, a representative from the Office of Student Conduct and Community Standards, and the Title IX Investigator, may also be present for the hearing.

**d. Hearing Procedures**

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- Hearing Officer will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The Hearing Officer will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Hearing Officer conducts its initial round of questioning; During the Parties' cross-examination, the Hearing Officer will have the authority to pause cross-examination at any time for the purposes of asking the Hearing Officer's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Officer. A Party's waiver of cross-examination does not eliminate the ability of the Hearing Officer to use statements made by the Party.
- After all parties and witnesses have presented statements and all questioning has been completed, closing statements are made first by the Respondent(s), then by the Complainant(s). Closing statements are intended to

summarize the information previously introduced during the investigation process and hearing. During this time, both parties may also provide an impact statement on how the incident/allegation has affected their University experience. No questioning is allowed during or after closing statements.

**e. Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Hearing Officer will determine if the question is relevant.

<https://www.stonybrook.edu/commcms/oea-titleix/relevance-policy>. Cross-examination questions that are duplicative of those already asked, including by the Hearing Officer may be deemed irrelevant if they have been asked and answered.

**f. Review of Audio Recording**

The audio recording of the hearing will be available for review by the parties subsequent to issuance of the determination. The recording of the hearing will not be provided to parties or advisors of choice but will be available for review upon request.

**8. Determination Regarding Responsibility**

**a. Standard of Proof**

Stony Brook University uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Policy occurred.

**b. General Considerations for Evaluating Testimony and Evidence**

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Officer.

The Hearing Officer shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

The Hearing Officer will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that Stony Brook University allow parties to call "expert witnesses" for direct and cross examination. Stony Brook University does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be cross examined as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that Stony Brook University allow parties to call character witnesses to testify. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that Stony Brook University admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be cross examined as required by the Final Rule, the Hearing Officer will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses. Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Officer may draw an adverse inference as to that party or witness' credibility.

**c. Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their University email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which policies, if any, the respondent has or has not violated.
5. For each allegation:
  - a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions (possible sanctions for student respondents are detailed in section V. of the Code of Student Responsibility) the University imposes on the respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the recipient to the complainant; and

6. The University's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

**d. Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Stony Brook University within ten (10) business days of the completion of the hearing.

**e. Finality**

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

**9. Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within seven (7) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the University's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- The sanction(s) imposed is/are disproportionate in relation to the student's conduct records and/or the nature of the violation.

The submission of an appeal puts any sanctions on hold while the appeal decision is pending. Supportive measures remain available during a pending appeal.

If a party appeals, the University will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals will be decided by an Appeals Panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or the Hearing Officer in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

**10. Retaliation**

Stony Brook University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for conduct that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment. Stony Brook University strongly encourages students to report sexual harassment or sex discrimination to University officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of sexual harassment or sex discrimination to Stony Brook University officials or law enforcement will not be subject to Stony Brook University Code of Student Responsibility action for violations of policies occurring at or near the time of the commission of sexual harassment or sex discrimination. Complaints alleging retaliation may be filed according to the Office of Equity and Access' Complaint Procedure for Allegations of Discrimination.

**IX. RECORDS**

**A. Student Conduct Records**

Student conduct records shall contain documents and when appropriate recordings pertaining to proceedings carried out under the terms of the Code.

**B. Maintenance of Records**

Student conduct records (excluding recordings) will generally be maintained for a period of seven (7) years after the last incident except in cases of expulsion from the University which may be kept indefinitely.

### C. Confidentiality of Records

Student conduct records, except as hereinafter provided, will be confidential to the extent possible in accordance with federal and state laws relating to disclosure.

### D. Academic Transcript Notation

A record of student conduct action shall be placed on a student's academic transcript in the following cases:

1. All cases in which the sanction imposed is expulsion or suspension from the University (this includes but is not limited to cases in which a student is found responsible for an act of violence that meets the reporting requirements found in the Clery Act at 20 U.S.C. § 1092 (f)(1)(F)(i)(I)-(VIII) <sup>11</sup> (referred to below as Clery conduct)). A notation will be placed which states, "suspended [or expelled] after a finding of responsibility for a Code of Conduct violation". Further, if a Respondent withdraws (officially or unofficially) from the University while Clery conduct charges are pending and fails to complete the student conduct process, a notation will be placed which states, "withdrew with conduct charges pending".
2. An academic dishonesty determination.
3. When a sanction that is imposed is not completed by a student. In this instance, in addition to an academic transcript notation, an administrative 'hold' will be placed on the student's academic record. The transcript notation and the hold will be removed upon the completion of the sanction.

Five (5) years after the conclusion of the suspension, or in the case of a sanction imposed and not completed five (5) years from the date that the sanction was due, the Vice President for Student Affairs (or designee), will consider written requests to remove the transcript notation. A transcript notation that a student "withdrew with conduct charges pending" may only be removed by completing the student conduct process. Transcript notations of expulsions and academic dishonesty are permanent and requests for removal will not be heard. However, if at any time a finding of responsibility is vacated for any reason, the resulting transcript notation shall be removed.

## X. AMENDMENTS AND MODIFICATION OF THIS CODE

Amendments and modifications of the Code of Student Responsibility are the responsibility of the Stony Brook Council. To assist the Council in meeting its responsibility, there will be a Committee including equal representation from the Executive Committee of the Undergraduate Student Government, the Graduate Student Organization, the University Senate and the Vice President for Student Affairs. This Committee, which may also include added members upon agreement of those already specified, shall meet annually at the call of the Vice President for Student Affairs, but any other representative may call meetings as often as necessary. The Committee shall submit such recommendations as it deems advisable and shall review such proposals as are suggested by the Council.

## XI. EFFECTIVE DATE

Amendments and modifications to the Code shall take effect the semester following when the Stony Brook Council accepts the changes or as mandated by federal and/or state laws or policies.

## XII. APPENDIX

### A. Academic Integrity

Intellectual honesty is a cornerstone of all academic and scholarly work. Academic dishonesty includes any act that is designed to obtain fraudulently, either for oneself or for someone else, academic credit, grades, or other recognition that is not properly earned or that adversely affects another's grade. Therefore, the University views any form of academic dishonesty as a very serious matter. Any member of the academic community may bring forward an accusation of academic dishonesty. Additional information is available as follows:

1. **College of Arts and Sciences, College of Business, College of Engineering and Applied Sciences, School of Journalism, and School of Marine and Atmospheric Sciences:** The Academic Judiciary Committee, as part of the Division of Undergraduate Education, serves to educate the University community about academic integrity. The Committee addresses all cases of academic dishonesty among undergraduate students in the College of Arts and Sciences, College of Business, College of Engineering and Applied Sciences, School of Journalism, and School of Marine and Atmospheric Sciences. Further information regarding the Academic Judiciary Committee is available at [http://www.stonybrook.edu/commcms/academic\\_integrity/](http://www.stonybrook.edu/commcms/academic_integrity/).

<sup>11</sup> Crimes covered under this section of the legislation include: murder; sex offense, forcible or non-forcible; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson.

2. **Graduate School:** The Graduate School addresses all cases of academic dishonesty involving graduate students. For more information, call (631) 632-4723.
3. **School of Professional Development (SPD):** SPD addresses all cases of academic dishonesty involving students enrolled in the School of Professional Development. For more information, call (631) 632-7050.
4. **Health Sciences Center:** The academic standing of Health Sciences Center students is subject to the policies of the school in which the student is enrolled, and cases of academic dishonesty are also handled by the respective school. Each school has a committee on academic standing that is advisory to the dean. Appeals of decision of deans are directed to the Vice President for Health Sciences. Detailed policies and procedures for hearings and other matters are provided in the HSC Bulletin.

**B. Research Misconduct**

Cases involving allegations of scholarly/scientific misconduct in the course of the University's research programs and activities (whether sponsored or not) are governed by the provisions of University Research Misconduct Policy. This policy is in compliance with federal policies promulgated by the Office of Research Integrity, within the Public Health Service.

**C. The CARE Team**

The CARE Team (**C**onsult, **A**ssess, **R**esponse, **E**ducation) is a University-based, multidisciplinary team committed to maintaining a safe and secure working and learning environment for Stony Brook University students and our campus community. The CARE Team addresses student behavior that may pose a threat to health and safety or disrupts University activity. The CARE Team responds to reports of these concerns through an individualized, coordinated, and thoughtful process that is intended to gather relevant information and intervene when appropriate. Further information regarding the CARE Team, including information on how to report behaviors of concern and the Mandated Assessment process, is available at <http://www.stonybrook.edu/care>. To report a concern please contact the CARE Team at (631) 632-CARE or <https://www.stonybrook.edu/commcms/studentaffairs/care/>.

**D. Useful Links**

1. Rules of Public Order  
<https://www.stonybrook.edu/commcms/studentaffairs/ucs/policies/order.php>
2. Terms of Occupancy  
<https://www.stonybrook.edu/commcms/studentaffairs/res/safety/policies.php>
3. Campus Alcohol Policy  
<http://www.stonybrook.edu/policy/policies.shtml?ID=122>
4. Division of Information Technology Policies  
<https://it.stonybrook.edu/policies>
5. Campus Posting Policy  
<https://www.stonybrook.edu/policy/policies.shtml?ID=615>
6. Fraternity and Sorority Life  
<https://www.stonybrook.edu/commcms/studentaffairs/sac/>
7. Tobacco Free Policy  
<https://www.stonybrook.edu/policy/policies.shtml?ID=112>
8. Academic Integrity Policies  
[http://www.stonybrook.edu/commcms/academic\\_integrity/policies.html](http://www.stonybrook.edu/commcms/academic_integrity/policies.html)
9. Research Misconduct  
<https://www.stonybrook.edu/policy/policies.shtml?ID=210>
10. University Policy Manual  
<https://www.stonybrook.edu/policy/>