

**SUNY PLATTSBURGH**

**STUDENT CONDUCT**

**MANUAL**

**2022-2023**

## Guiding Principles

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

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

Please utilize the following link to view SUNY Plattsburgh's "Shared Values."  
<https://www.plattsburgh.edu/documents/about/shared-values-2018-03-18.pdf>

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## **Mission Statement: Student Conduct Office**

The Student Conduct Office will provide an educational and impartial adjudication process for the College Community, address reported conduct violations of students, student organizations, and intercollegiate athletic teams, and will promote personal, ethical, and social development while preserving the rights of all individuals involved.

SUNY Plattsburgh's Notice of Non-Discrimination: <https://www.plattsburgh.edu/about/offices-divisions/administration-finance/management-services/campus-handbook/section-ii-affirmative-action-equal-opportunity/notice-of-non-discrimination-policy.html>

SUNY Plattsburgh Campus Crime Statistics: <https://www.plattsburgh.edu/about/offices-divisions/administration-finance/management-services/campus-handbook/section-viii-health-safety/clery-availability-policy.html>

Students' Bill of Rights: <https://www.plattsburgh.edu/plattslife/health-safety/title-ix/bill-of-rights.html>

*Revised August 2022*

## Framework for Addressing Student Conduct

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

SUNY Plattsburgh, a community of students, faculty, staff, and administrators, recognizes the need to establish a student conduct manual, which contains rules and regulations to guide student actions and to define the possible consequences that may be imposed when these rules and regulations are determined to have been violated. The College, through its Student Conduct Manual, seeks to establish in its students a sense of responsibility to themselves and to others who are citizens of the total College community. It is the College's expectation that while here, all students would take into consideration other individuals and their rights to an environment that is conducive to academic achievement and personal growth.

It is the policy of SUNY Plattsburgh to ensure that the rights of an individual guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their age, color, race, ability, marital status, national/ethnic origin, religion, veteran's status, sex [including pregnancy], gender expression or gender identity, sexual orientation or genetic information. When such rights are infringed upon by violence, true threats, or unlawful harassment, the College will use every necessary resource to rapidly and decisively identify perpetrators for criminal and/or administrative adjudication.

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

**The following documents are referenced herein and can be accessed via the following hyperlinks:**

**Housing Manual:** <https://www.plattsburgh.edu/documents/housing/housing-manual.pdf>

**Hazing: A Trust Betrayed:** <https://www.plattsburgh.edu/documents/fraternity-sorority-life/hazing-a-trust-betrayed-sept-2019-rev.pdf>

**SUNY Plattsburgh Policies:** <https://www.plattsburgh.edu/about/offices-divisions/administration-finance/management-services/campus-handbook/>

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## **I. DEFINITIONS**

### **Accused:**

- Shall mean a student accused of a violation of the Student Conduct Manual who has not yet entered the Student Conduct Process.

### **Advisor:**

- Any individual who provides the Respondent or Reporting Individual with support, guidance and/or advice (this includes legal Counsel). State University policy permits the presence of Advisors for privately advising the student at the hearing. Advisors are not, however, eligible to participate in the hearing, e.g. by presenting the student's case or cross-examining witnesses.
  - All requests to review evidence/case documents or reschedule meetings/hearings, must be made by the student themselves (not by others on their behalf).

### **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 sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

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

### **Bystander:**

- A person who observes a crime, impending crime, conflict or unacceptable behavior.

**College:**

- Shall mean the State University of New York at Plattsburgh

**College Official:**

- Any person employed by the College, performing assigned administrative or professional responsibilities.

**Consensus:**

- A process of decision-making that seeks general agreement among all members of the Board.

**Complainant:**

- Shall refer to who files a Student Conduct Referral against a student for an alleged violation of the Student Conduct Manual. The “College” will serve as the Complainant in all Student Conduct Office proceedings. At hearings, the individual representing the College is responsible for presenting the College’s case, providing live testimony, submitting relevant evidence, inviting witnesses identified by the College, and may question all Parties and Witnesses present.

**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 Reporting Individual. The existence of such a relationship shall be determined based on the Reporting Individual’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

**Domestic Violence:**

- Domestic violence is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the Reporting Individual, a person sharing a child with the Reporting Individual, or a person cohabitating with the Reporting Individual as a spouse or intimate partner.

**Guest:**

- Any person who is not student at SUNY Plattsburgh or is an unidentified person who is being hosted by or visiting a SUNY Plattsburgh student on campus property.

**Incapacitation:**

- A person is mentally or physically incapacitated when their perception and/or judgment is so impaired that the person lacks the cognitive capacity to make or act on conscious decisions, including without limitation the following circumstances:
  - The person is incapacitated due to the use or influence of alcohol or drugs, or due to a mental disability. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. Indicators of incapacitation

may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances.

In sum, an act will be deemed non-consensual if a person engages in sexual activity with an individual who is incapacitated, and who the person knows or reasonably should know is incapacitated.

**Member of the College Community:**

- Includes any person who is a student, faculty member, College official or any other person employed by or contracted with the College. A person's status in a particular situation shall be determined by the Student Conduct Office.

**Preponderance of Evidence:**

- The standard of proof used in all cases adjudicated by the Student Conduct Office, which asks whether it is "more likely than not" that the alleged violation occurred. If the evidence presented meets this standard, then the Respondent must be found Responsible.

**Published Institutional Policy:**

- Defined as the written regulations of the College as found in, but not limited to, policies at SUNY Plattsburgh, the Student Conduct Manual, Group Conduct Manual, and the Housing Manual.

**Reasonable Person:**

- Refers to a hypothetical person who exercises average care, skill, and judgment in conduct and who serves as a comparative standard.

**Reporting Individual:**

- Shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by the campus to reference an individual who reports that they have personally experienced a violation pertaining to any of the following: sexual harassment, sexual assault, dating violence, domestic violence, and/or stalking. This terminology will be used on all official documents pertaining to the Student Conduct Office and the adjudication process administered therein.

**Respondent:**

- Shall mean a student accused of a violation of the Student Conduct Manual who has entered the Student Conduct Process.

**Sexual Exploitation:**

- Non-consensual, abusive sexual behavior that does not otherwise constitute sexual assault.

**Sexual Harassment:**

- Unwelcome, gender-based verbal, non-verbal, or physical conduct that is sexual in nature and sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the University's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation.

**Sexual Violence:**

- Physical sexual acts perpetrated against a person's will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual assault with an object, sodomy, fondling, incest, and statutory rape. See the Sexual Harassment and Sexual Violence Policy for specific definitions. For the purposes of this document, **rape** will be defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without affirmative consent being established.

**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, with such person(s) in a manner likely to intimidate, annoy, or alarm them.

**Student:**

- For the purposes of this publication, an individual is considered a student if they are enrolled, registered for any classes, or residing on the SUNY Plattsburgh campus.

**Unrecognized Organization:**

- Means persons enrolled as students at the College who are associated with each other and who are not recognized as a collective grouping by the College or by Student Association. Unrecognized organizations are not permitted to participate, as an organization, in SUNY Plattsburgh sponsored activities.

**Victim/Survivor:**

- For a person who suffers personal, physical or psychological injury, it will be the choice of each individual disclosing or reporting violence, sexual violence, hazing, and/or stalking on how that person prefers to be identified personally--whether as victim, survivor, witness, witness- granted-victim-status, or another term.

**Witness:**

- A witness is someone who (1) directly observed an incident or (2) has direct or indirect knowledge related to the incident in question. Witnesses should be able to speak knowledgeably about the incident and be able to provide relevant information to Student Conduct proceedings. Reliable witnesses are critical to the integrity and effectiveness of the Student Conduct Process. Any and all witness participation is voluntary.



**Additional information and clarification regarding the listed definitions can be found at the following links:**

- <https://www.plattsburgh.edu/about/offices-divisions/administration-finance/management-services/campus-handbook/section-ii-affirmative-action-equal-opportunity/sexual-violence-policy.html>
- <https://www.plattsburgh.edu/about/offices-divisions/administration-finance/management-services/campus-handbook/section-ii-affirmative-action-equal-opportunity/interpersonal-violence-policy.html>

**\*For the purposes of this document and related forms, the terms “Student Conduct/Conduct” and “Judicial” are interchangeable.**

## **II. STUDENT RIGHTS**

### **Respondents:**

- A. The right to be presumed Not Responsible until responsibility is established. Responsibility is determined either by an admission of responsibility or by the presentation of information and evidence at a hearing, upon which the Director of Student Conduct or designee or a hearing board bases a decision of responsibility. Determinations made at **Student Conduct Board**, or **Administrative Hearings**, will be determined by a preponderance of the evidence presented.
- B. The right to be given written notice of the nature of the charges and to be informed of one’s rights. Notice will be sent by the Student Conduct Office via campus email.
- C. The right to offer a plea of Responsible or Not Responsible and request to have the matter reviewed via a hearing
- D. The right to remain silent during any portion of the Student Conduct Process. An adverse inference from the Respondent’s silence is prohibited.
- E. The right to bring up to two Advisors (as outlined in Section I of this document) to any meeting/hearing that is part of the adjudication process. State University policy permits the presence of Advisors for privately advising the student at the hearing.
- F. The right to invite witnesses (as outlined in Section I of this document) to participate in any hearing or review.
- G. The right to question the Complainant and anyone serving as a witness at a hearing.
- H. The right, prior to the hearing and upon request, of supervised access of all evidence that will be utilized in the hearing and the right of supervised access to the recorded proceedings of the hearing for a period of 6 months from the date of the hearing.
  - a. Note: Access is limited to a supervised review of the evidence as coordinated between the Respondent and the Student Conduct Office.
- I. The right to request a Student Conduct Appeal for cases that qualify as outlined in Section V. F.

### **Reporting Individuals:**

- A. The right to be given written notice of the nature of the charges and to be informed of one’s rights. Notice will be sent via campus email by the Student Conduct Office.
- B. The right to remain silent during any portion of the Student Conduct Process. An adverse inference from the Reporting Individual’s silence is prohibited.

- C. The right to bring up to two Advisors (as outlined in Section I of this document) to any meeting/hearing that is part of the adjudication process. State University policy permits the presence of Advisors for privately advising the student at the hearing.
- D. The right to invite witnesses (as outlined in Section I of this document) to participate in any hearing or review.
- E. The right to question the Respondent and anyone serving as a witness at a hearing.
- F. The right, prior to the hearing and upon request, of supervised access of all evidence that will be utilized in the hearing and the right of supervised access to the recorded proceedings of the hearing for a period of 6 months from the date of the hearing.
  - a. Note: Access is limited to a supervised review of the evidence as coordinated between the Reporting Individual and the Student Conduct Office.
- G. The right to request a Student Conduct Appeal for cases that qualify as outlined in Section V. F.

### **III. COLLEGE REGULATIONS**

**Jurisdiction:** Generally, College jurisdiction and adjudication shall be limited to reported conduct that occurs on College property and/or at College-related events/activities, or that adversely affects the College community and/or the pursuit of its objectives. The College will also adjudicate reported conduct that occurs off-campus if it results in charges of a misdemeanor or felony. The Director of Student Conduct (designee), in consultation with the Vice President of Enrollment and Student Success (designee), will determine when the College will take action for reported off-campus conduct that also violates College policy and/or federal, state and/or local laws, statutes, or ordinances outside of the above-mentioned parameters.

#### **SECTION 1: Academic Dishonesty**

Cheating and Plagiarism are the willful misrepresentation of all or part of another's work as one's own.

- 1.01 Cheating in all its forms, or attempting to cheat is prohibited. Examples of cheating include, but are not limited to: Copying another's answers or giving or receiving un-permitted aid during classroom or take-home examinations or on assignments, papers, research reports and projects.
- 1.02 Plagiarism, in all its forms, is prohibited. Examples of plagiarism include, but are not limited to: the use of presentation of the ideas or words of another, whether from print, digital, or aural sources as one's own, failure to cite the source of information and ideas taken from the works of others.

#### **SECTION 2: Aiding and Abetting**

A student who aids, counsels, commands, induces or procures the person committing the violation; acts with the intent to facilitate a violation; will be subject to a referral to the Student Conduct Office.

#### **SECTION 3: Alcohol**

- 3.01 The Alcohol Policy of SUNY Plattsburgh is in compliance with New York State Laws and local City Ordinances, which prohibit the following:
  - Sale of alcohol without a license
  - Sale or giving alcohol to any person under the age of 21
  - Purchase of any alcohol beverage by a person under the age of 21
  - Possession of alcohol by any person under the age of 21 with the intent to consume.
  - Possession of an open alcohol container in a public place

- 3.02 Possession of an open alcohol container by a student of legal drinking age, within facilities on the SUNY Plattsburgh campus, outside of the legal and personal possession in Residence Halls, as defined in the Housing Manual, or at an event catered by Campus Dining Services, is prohibited.
- 3.03 Persons 21 years of age or older may not knowingly be in the presence of alcohol containers while underage students are present, with the exception of events catered by Campus Dining Services. Empty alcohol containers shall be considered “alcohol containers” on the SUNY Plattsburgh campus.
- 3.04 Persons under 21 years of age may not knowingly be in the presence of alcohol containers on the SUNY Plattsburgh campus, with the exception of events catered by Campus Dining Services. Empty alcohol containers shall be considered “alcohol containers” on the SUNY Plattsburgh campus.

**SECTION 4: Animals**

- 4.01 Animals are not permitted in campus buildings except those approved as Service Animals under the ADA or those animals specifically approved in the Residence Halls by the Campus Housing and Community Living Office. Emotional Support Animals, as approved by and registered with Student Accessibility Services are only permitted in the Residence Halls.
- 4.02 Students who allow their pets to run loose on campus or allow them to create disturbances subject themselves to a Student Conduct referral.

**SECTION 5: Computer Use Violations**

Students using College computers or related services are expected to know and abide by the regulations governing their use as set forth by Library & Information Technology Services. Failure to abide by these regulations may result in a referral to the Student Conduct Office.

**SECTION 6: Dating & Domestic Violence**

- 6.01 Dating violence as outlined in Section I of this document is prohibited.
- 6.02 Domestic violence as outlined in Section I of this document is prohibited.

**SECTION 7: Disruptive Conduct**

Impairing, interfering with or obstructing the orderly conduct, processes, and functions of the College or surrounding community. This behavior includes, but is not limited to, excessive noise or obscene language in a public place, obstructing vehicular or pedestrian traffic or threatening conduct, which is unreasonable in the time, place or manner in which it occurs.

**SECTION 8: Drugs**

- 8.01 Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), possessing, using, or distributing a controlled substance or dangerous drug, or any drug unlawful to possess, e.g. marijuana/cannabis, except as expressly permitted by law. Drug paraphernalia including, but not limited to: bongs, water pipes, or hypodermic needles that are not specifically required for the administration of prescribed medications are not allowed on campus. Use of legal medication outside the parameters of the medical authorization is prohibited and prescription drugs on campus must have an authentic medical prescription.
- 8.02 Knowingly in the presence illegal drugs (including marijuana/cannabis) and/or paraphernalia is prohibited.

**SECTION 9: Endangerment**

- 9.01 Reckless or intentional acts, which endanger, or put at risk, the health and safety of any member of the community are prohibited.
- 9.02 Compromising the security measures of the campus is prohibited - i.e., propping open access doors to College buildings.
- 9.03 Failure to report any sexual abuse of a child occurring on SUNY Plattsburgh property or while off campus during official SUNY Plattsburgh business or sponsored activities will constitute a violation.

**SECTION 10: Failure to Comply**

- 10.01 Failure to comply with the directions of College officials acting in the performance of their official duties is prohibited.
- 10.02 Failure to show proper student identification or other identification to any faculty, staff, or student staff acting in the performance of their official duties constitutes a violation. All students are required to carry their student identification with them at all times.
- 10.03 Failure to comply with any Administrative Action taken by the College will constitute a violation. For the purposes of this Section, Administrative Action might refer to but is not limited to: No Contact Orders or Interim Suspensions.

**SECTION 11: Falsification of Information**

- 11.01 Willful falsification of information on College records or to College officials is prohibited.
- 11.02 Willfully providing false information for purposes of obtaining services is prohibited.
- 11.03 Possession or use of another person's ID card or an invalid ID is prohibited.

**SECTION 12: Firearms, Fireworks, Explosives, Weapons**

- 12.01 It is prohibited to carry or contain firearms, ammunition, gunpowder, air rifles, air pistols, Tasers, paintball guns or guns of any kind on campus.
- 12.02 Possession or use of fireworks on the College campus is prohibited.
- 12.03 Possession or use of illegal knives or other illegal weapons, dangerous chemicals, flammable liquids, explosive materials, except as authorized in the supervised pursuit, or the completion of academic programs, is strictly prohibited on the College campus. No more than two pocket knives, not exceeding a three-inch blade, are permitted; however, pocket knives may be confiscated by authorities as deemed necessary.

**SECTION 13: Fire Safety**

- 13.01 Intentionally setting a fire without proper authorization, or giving false alarm of fire is prohibited.
- 13.02 Tampering with fire alarm devices or fire equipment is prohibited.
- 13.03 Failure to adhere to fire evacuation procedures is prohibited.

**SECTION 14: Gambling**

Gambling, including, but not limited to, contests of chance, illegal lottery and policy for money or something of value; promoting or advancing gambling; gambling using College computing/network facilities; possessing gambling devices or gambling records is prohibited.

**SECTION 15: Guests**

Students are responsible for informing their guests of College regulations and will be held accountable for the behavior of their guests.

**SECTION 16: Harassment**

Engaging in behavior that is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, denies, or limits an individual's ability to participate in or benefit from the College's education program and/or activities, and creates an academic environment that a reasonable person would find intimidating or hostile. Activity protected by the First Amendment will not constitute harassment. (See Appendix A)

Harassment may include but is not limited to:

- **Bias-related behavior:** directing unwanted physical or verbal conduct at an individual based on one or more of that person's protected characteristics or status, including age, color, race (including, without limitation, hair texture and protective hairstyles), ability, marital status, national/ethnic origin, religion, veteran's status, sex [including pregnancy], gender expression or gender identity, sexual orientation or genetic information; or
- Subjecting a person or group of persons to unwanted physical contact or threat of such; or
- Engaging in a course of conduct, including following the person without proper authority (e.g., stalking), under circumstances which would cause a reasonable person to fear for their safety or the safety of others or to suffer emotional distress.

**Note:** A disciplinary charge of bias-related behavior that results in a finding of Responsible may subject the student to a sanction more severe than would be imposed in the absence of such motivation.

#### **SECTION 17: Hazing**

Hazing, in every form, is prohibited. Hazing is considered to be interference with the personal liberty of others and includes any act of domination by some students over others for the purpose of joining, affiliating, or maintaining membership in a group or organization which, creates risk of physical injury, emotional disturbance, physical discomfort or humiliation. Hazing can occur regardless of the person's willingness to participate. NOTE: A person commits a hazing offense if the person engages in hazing; solicits, encourages, directs, aids or attempts to aid another engaging in hazing; or intentionally, knowingly, or recklessly permits hazing to occur. Examples of hazing can be found in the publication, "Hazing: A Trust Betrayed."

#### **SECTION 18: Misuse of College Property**

- 18.01 Willful or careless destruction, defacement of or tampering with College property or property of others is prohibited.
- 18.02 Use of College property outside of its intended or legal use is prohibited.
- 18.03 Solicitation on the College campus is prohibited outside of those activities approved and authorized by the College.
- 18.04 The posting of advertisements, flyers, posters or other such materials to building entrances, exits, exterior of any building, poles, signage or other campus owned structure without appropriate College approval.

#### **SECTION 19: Obstruction of College Activities**

Obstruction or disruption of regular College activities, including teaching, research, administration, campus services, and organized events; deliberate interference with the free speech, expression or movement of members of the College community, including guests or visitors engaged in permissible use of College facilities is prohibited.

#### **SECTION 20: Residence Hall/Published Institutional Policies**

Failure to abide by any College policy, including the regulations governing Campus Housing and Community Living as set forth in the Housing Manual, constitute a violation of the Student Conduct Manual. College policies can be found on the website and many can be found via the link on page 4 of this document.

**SECTION 21: Retaliation**

Retaliation is any adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying. Retaliation in every form is prohibited.

**SECTION 22: Sexual Violence**

Sexual Violence, as outlined in Section I of this document is prohibited.

**SECTION 23: Stalking, Sexual Harassment, and Sexual Exploitation**

23.01 Behavior that is considered stalking, as outlined in Section I of this document is prohibited.

23.02 Sexual Harassment, as outlined in Section I of this document is prohibited.

23.03 Sexual Exploitation, as outlined in Section I of this document is prohibited.

**SECTION 24: Student Group Violations**

Students are expected to know and abide by the regulations governing Group Conduct, as set forth in the Group Conduct Manual. Failure to abide by these regulations may result in a referral to the Student Conduct Office. (e.g., Accepting membership into an organization not eligible to have new members (due to the Group's suspension or withdrawal of recognition) or perpetuating the existence of a group that has lost recognition from the College is a violation.)

**SECTION 25: Theft**

25.01 Theft of property on the College campus is prohibited.

25.02 Theft of services on the College campus is prohibited.

25.03 Removal of College property from common use areas is prohibited.

25.04 Removal of books or other items from College facilities without following prescribed procedures are prohibited.

25.05 Possession of property illegally procured is prohibited.

**SECTION 26: Threatening or Abusive Behavior**

Intentionally or recklessly causing physical harm to any person or reasonable fear of such harm. Students cannot justify such behavior as defensive if:

- A. The behavior is a physical response to verbal provocation;
- B. The student has the ability to leave the situation, but instead chooses to respond physically;
- C. In circumstances where such actions are punitive or retaliatory.

**SECTION 27: Trespass**

Entering any College facility except in accordance with established regulations is prohibited.

**SECTION 28: Use of the College Name**

Use of the name or logo of the College is prohibited unless specifically authorized in writing by the President of the College or delegated representative. Students are prohibited from falsely presenting themselves as entities of the College beyond the normal scope of activities associated with their student or employment status.

#### **SECTION 29: Violation of the Student Conduct Process**

Abusing the Student Conduct System is prohibited. Examples include but are not limited to:

- a) Falsification, distortion, or misrepresentation of information during the conduct process.
- b) Disruption or interference with the orderly conduct of a Student Conduct proceeding.
- c) Knowingly instituting a Student Conduct referral without cause.
- d) Attempting to negatively influence any individual's proper participation in, or use of, the Student Conduct Process (e.g., intimidating anyone participating in the Student Conduct Process).
- e) Failure to comply with the sanction(s) imposed as a result of the Student Conduct Process.

#### **SECTION 30: Violations of Civil or Criminal Law**

Violation of Federal, state, or local laws in a way that affects the College community's pursuit of its educational purposes is prohibited and may subject students to disciplinary action. Such violation may be established independent of and prior to a criminal conviction. Arrests alone do not constitute a violation.

**Hate or Bias-Related Crime** - Intentionally selecting a person against whom a criminal offense is committed or intended to be committed because of a belief or perception regarding the race (including, without limitation, hair texture and protective hairstyles), color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct.

Note: A student who is found to be Responsible for committing a hate or bias-related crime may be subject to a more severe sanction than would be imposed in the absence of such motivation.

### **IV. ORGANIZATION OF THE STUDENT CONDUCT SYSTEM:**

#### **A. Director of Student Conduct**

The conduct system at SUNY Plattsburgh is under the direction of the **Director of Student Conduct**. The **Director of Student Conduct** is charged with the responsibility for seeing that due process is provided to students accused of violating College regulations and to accomplish this task, has the following duties:

1. Annually revises and publishes a Student Conduct Manual, which details those College regulations for which all students will be held accountable through the College conduct system.
2. Solicits, selects, and trains Student Conduct staff, designees, and assistants as needed.
3. Solicits and trains faculty/staff and students who serve as board members for the conduct process.
4. Receives conduct referrals for alleged violations of college regulations, by individual students, as set forth in the Student Conduct Manual.
5. Sets up a review with each referred student to discuss the charges and the student's rights.
6. Schedules and facilitates hearings as required.
7. Determines the sanction to be applied if the student is found to be Responsible in all cases except for the following cases: Academic Dishonesty and those heard by a Student Conduct

Board. Sanctions for cases involving Academic Dishonesty are determined as outlined in Section IV, G.

8. Officially communicates all conduct charges and decisions to each Respondent.
9. Notifies college officials whose relevant interest necessitates their being informed of a violation of College Policy.
10. Maintains the College's official conduct records.

## **B. STUDENT CONDUCT BOARD**

1. The **Student Conduct Board** is composed of three (3) board members. The Director of Student Conduct (designee), serves as the Hearing Officer and strictly facilitates the hearing.

In Academic Dishonesty cases, the **Student Conduct Board** is composed of three (3) board members. The Director of Student Conduct (designee), serves as the Hearing Officer and strictly facilitates the hearing. In cases of Academic Dishonesty, a representative from the Office of the Dean of the faculty where the course or academic activity in question is offered will serve as a board member.

The **Student Conduct Board** serves as a panel to hear the case for students who have offered a plea of Not Responsible and have been offered a Student Conduct Board Hearing. Selection of the board for any given case depends on the availability of members at the scheduled hearing time. By participating, board members agree to adhere to a strict code of confidentiality and declare a lack of personal acquaintance with or bias for/against the student involved. The College strives to create hearing panels that are reflective of the diverse experiences within our campus community while balancing availability and completed training in various competencies via the SUNY Student Conduct Institute. This training is supplemented by on-campus training provided by the Student Conduct Office.

2. The **Student Conduct Board** has the following responsibilities:
  - a. Hears cases as scheduled.
  - b. Hears all statements and evidence related to the case in question.
  - c. Seeks answers to all questions pertaining to the statements and evidence presented.
  - d. Establishes a finding of either Responsible or Not Responsible for each individual charge levied against the Respondent via a consensus.
  - e. In findings of Responsible, determines appropriate sanction(s).
  - f. Acts in an advisory capacity upon the request of the Director of Student Conduct (designee) in a case where the student has offered a plea of Responsible but where the sanction may be so severe that a full review of all relevant facts is desired for a fair perspective.

## **C. STUDENT CONDUCT APPEAL BOARD**

The Student Conduct Appeal Board is chaired by the Vice President for Enrollment and Student Success (designee). If an Academic Dishonesty case is appealed, the Provost/Vice President for Academic Affairs (VPAA) or their designee hears the appeal. The appeal board will consist of three (3) board members. Board members who served as a Student Conduct Board member may not serve on the Appeal Board for the same case.

1. The Chair of the Appeal Board has the following responsibilities:
  - a. To review requests for appeal along with all evidence presented at the original hearing to determine if the grounds for an appeal have been established.



- b. Convene Student Conduct Appeal Boards for cases where the grounds for an appeal have been met.
  - c. Determine the sanction when a finding of responsibility is established.
  - d. Officially communicate outcomes to each student so charged.
  - e. Notify college officials whose relevant interest necessitates their being informed of a violation of College Policy.
2. The Student Conduct Appeal Board has the following responsibilities:
- a. Hears appeals as scheduled.
  - b. Reviews all evidence presented at the original hearing.
  - c. Utilizes preponderance of evidence as a standard of proof for all appeals.
  - d. Upon a consensus, either upholds or overturns the finding of the Student Conduct Board Hearing.
  - e. In findings of Responsible, determines appropriate sanction(s).
  - f. The Chair of the Student Conduct Appeal Board has the responsibility for determining the final sanction, as appropriate. In Academic Dishonesty cases, the Provost/VPAA (designee) has the responsibility for determining the final sanction.

## **V. STUDENT CONDUCT SYSTEM PROCEDURES:**

### **A. STUDENT CONDUCT REFERRAL**

1. Any member of the College community may submit a conduct referral for a student when it is believed that the student has violated the Student Conduct Manual.
2. Student Conduct referrals must be submitted through the Director of Student Conduct online referral system. Members of the College Community who do not have direct access to this system must submit the referral via the Director of Student Conduct.

### **B. CONDUCT CHARGES**

1. The Director of Student Conduct, upon receiving a referral, reviews the charges and sends notice (Review of Conduct Charges) via email, of the reported violation to the student who has been referred.
2. If the Director of Student Conduct feels that a referral does not warrant charges, the case may be dismissed after a review with the Vice President for Enrollment and Student Success (designee).
3. The Review of Conduct Charges includes the following information:
  - a. a listing and summary of the charges which includes the name of the person who submitted the charges
  - b. the time, date, and location of their appointment
  - c. and a list of their rights when charged with a violation
4. Charges are forwarded to the student by the Student Conduct Office. While an academic semester is in session, the appointment for the review is generally set within 2-3 business days of receipt by the student who is being charged.

### **C. REVIEW OF CONDUCT CHARGES**

1. The Director of Student Conduct or designee reviews the charge(s) against the student and reviews the rights of the student. Failure to appear for the review without an attempt to reschedule within 24 hours after the scheduled appointment will result in the College proceeding in absentia.

2. The student may offer a plea of Responsible to any or all charge(s), at the time of the review. In this case, the Director of Student Conduct (designee) accepts the plea and determines the sanction that will be applied. (Except in instances referenced in Section IV, B, 2, f)
3. The student may offer a plea of Not Responsible to any or all charge(s) at the review.
  - a. The Director of Student Conduct or designee may determine that if the sanction for a violation is to be no greater than Probation with conditions, a hearing may not be justified. In such a case the Director of Student Conduct or designee will conduct an Internal Review. The Internal Review process will include the following:
    - The Respondent will be provided supervised access to the evidence presented against them.
    - They Respondent will have the ability to respond to the evidence in writing or verbally.
    - The Director of Student Conduct or designee will determine if they are Responsible or Not Responsible.

#### **D. ADMINISTRATIVE HEARING**

1. An **Administrative Hearing**, in most cases, will be held for a student who offers a plea of Not Responsible and whose sanction would not be subject to a sanction involving relocation.
2. An **Administrative Hearing** differs from a Student Conduct Board Hearing in that only the Director of Student Conduct (designee) hears the case rather than a panel of board members. Both Administrative and Student Conduct Board Hearings are hearings with full presentation of evidence and witnesses, when applicable.
  - a. A list of intended Advisors/Witnesses along with any special accommodations (i.e. Audio/Video needs) to be considered must be submitted to the Student Conduct Office no later than **5 business days prior** to the hearing in order to be permitted at the hearing unless otherwise authorized by the Director of Student Conduct (designee).
  - b. Relevant evidence possessed by the Complainant, Respondent, and Reporting Individual that is to be used at the hearing must be submitted to the Student Conduct Office no later than **5 business days** prior to the time of the hearing in order for it to be admissible, unless authorized by the Director of Student Conduct (designee). All determinations regarding evidence presented after the deadline will be made and explained by the Director of Student Conduct (designee) to all parties.
    - i. Evidence may consist of but is not limited to: Investigative Reports, photos, various digital media, (to be submitted as agreed upon by the Student Conduct Office) written witness statements, etc.
    - ii. In order to be considered at the hearing, witness statements must include the following: date the document is signed, printed name of author, and signature of the author. Witness statements may also be emailed directly to the Student Conduct Office via the student's campus email account.
    - iii. In-person and verbal witness testimony can be presented at the time of the hearing.
    - iv. All documents presented at the hearing will be retained by the Student Conduct Office as case documents and will become part of the case file.
3. In an **Administrative Hearing**, the Director of Student Conduct or designee will weigh the evidence as presented, will make a **final decision of Responsible or Not Responsible based on a preponderance of the evidence presented**, and will levy a sanction if responsibility is adjudged.

#### **E. STUDENT CONDUCT BOARD HEARING**

1. A **Student Conduct Board Hearing**, in most cases, will be held for a student who offers a plea of Not Responsible to a violation which could involve a sanction that includes relocation. A student who offers a plea of Not Responsible to an allegation that might result in relocation may request an Administrative Hearing. The sole discretion lies with the Director of Student Conduct (designee) to determine whether an Administrative Hearing may be held rather than a Student Conduct Board Hearing.
2. Both Administrative and Student Conduct Board Hearings are hearings with full presentation of evidence and witnesses (when applicable).
  - a. A list of intended Advisors/Witnesses along with any special accommodations to be considered must be submitted to the Student Conduct Office no later than **5 business days prior** to the hearing in order to be permitted at the hearing unless otherwise authorized by the Director of Student Conduct (designee).
  - b. Relevant evidence possessed by the Complainant, Respondent, and Reporting Individual that is to be used at the hearing must be submitted to the Student Conduct Office no later than **5 business days** prior to the time of the hearing in order for it to be admissible, unless authorized by the Director of Student Conduct (designee). All determinations regarding evidence presented after the deadline will be made and explained by the Director of Student Conduct (designee) to all parties.
    - i. Evidence may consist of but is not limited to: Investigative Reports, photos, various digital media, (to be submitted as agreed upon by the Student Conduct Office) written witness statements, etc.
    - ii. In order to be considered at the hearing, witness statements must include the following: date the document is signed, printed name of author, and signature of the author. Witness statements may also be emailed directly to the Student Conduct Office via the student's campus email account.
    - iii. In-person and verbal witness testimony can be presented at the time of the hearing.
    - iv. All documents presented at the hearing will be retained by the Student Conduct Office as case documents and will become part of the case file.
3. In the case of a student who offers a plea of Not Responsible, the Student Conduct Board makes a **final decision of Responsible or Not Responsible based on a preponderance of the evidence presented.**
4. A consensus decides the issue.
5. Once responsibility has been determined by the Student Conduct Board, the Board decides the sanction as soon as reasonably possible after the adjournment of the hearing.
6. In cases where a student has been found Responsible for a violation of any of the following sections: **6, Dating and Domestic Violence, 22, Sexual Violence, and 23, Stalking, Sexual Harassment, Sexual Exploitation**; the Respondent, Complainant and the Reporting Individual have the right to submit an Impact Statement prior to the Director of Student Conduct (designee) deciding appropriate sanctions. The Complainant, Respondent, and Reporting Individual shall also receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of the procedures for submitting an appeal, any possible changes to the result that may occur before it becomes final, and when the result becomes final.

## F. STUDENT CONDUCT APPEALS

An appeal is the process to request a review of the original student conduct outcome. The Respondent has the right to submit one request for appeal to the Student Conduct Office. An appeal does not rehear a student conduct case, but rather, determines if the conclusion reached in the original case is valid based

on substantiation of a procedural error, new evidence, or the severity of the sanction. Note: Per the definition of “Reporting Individual” in Section I of this document, cases involving Sexual Misconduct (Stalking, Sexual Harassment, Sexual Exploitation, Sexual Violence, Dating Violence, and Domestic Violence) are the only cases where a Reporting Individual may request an appeal.

There is only one level of appeal permitted for each case.

### 1. Appeal Grounds

An application for appeal may only be filed on the grounds below and must meet at least one of the four standards to qualify for appeal.

- a) **Procedural Error:** Procedural error occurs when the policies outlined in Student Conduct Manual are not followed, and as a result, the outcome of the case was significantly impacted. A procedural error and its impact on the case outcome must be clearly described in the appeal.
- b) **New Evidence:** This refers to new evidence that was unavailable during the original hearing or investigation that could significantly affect the original finding or sanction. A summary of the new evidence and its potential impact must be included. This does not include information available but not disclosed at the Student Conduct Board Hearing by choice (i.e., opting not to disclose information for any reason).
- c) **Sanction Involves Relocation:** Any case where the Respondent has been found Responsible (via a plea or as a result of a hearing) and the sanction involves their relocation, loss of residence license, Suspension, or Dismissal may have their sanction reviewed.
- d) **Sanction Severity: (For cases involving charges of Stalking, Sexual Harassment, Sexual Exploitation, Sexual Violence, Dating Violence, and Domestic Violence only)** A sanction imposed as a result of the original Student Conduct hearing that is significantly outside of the parameters of the Sanction Guidelines may be appealed. Evidence must show that the sanction is inappropriate based on the infraction, according to the Sanction Guidelines per the link in Section VI of this document.

### 2. Appeal Procedure

- a) A request for appeal must be submitted electronically as an attachment within **5 business days** of when the Outcome Letter was sent. Requests for an appeal may not be submitted by anyone other than the Respondent (e.g., Advisors cannot submit a request for an appeal on the Respondent’s behalf). Appeals may be no longer than (2,500) words or (10) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and double-spaced.
- b) Requests for an appeal are reviewed by the Vice President for Enrollment and Student Success (designee) who will determine if the appeal was submitted within the permitted time and if it meets the grounds for an appeal. The original decision and sanction will stand if the appeal is not timely or does not meet the grounds for appeal, and would thus mean the initial decision is final.
- c) If the request is timely AND meets the grounds, an Appeal Board will convene to review the appeal.
- d) Appeal outcomes are determined based on a comprehensive review of the following: the Respondent’s submitted application for appeal and a review of the original case along with the rationale of the original Student Conduct hearing. A consensus will determine the Appeal Board’s decision.
- e) The Appeal Board may send the case back to the Student Conduct Office for a new hearing if it is determined that there was a procedural error or if significant new evidence was presented as part of the appeal.

- f) The Appeal Board may uphold or amend the original decision.
- g) The appeal decision will be communicated to all necessary parties via campus email. This decision is final.

### 3. Appeals of Cases of Sexual Misconduct

- a) In cases of Stalking, Sexual Harassment, Sexual Exploitation, Sexual Violence, Dating Violence, and Domestic Violence, the Respondent, Complainant, and Reporting Individual (when applicable) will receive written notification detailing the outcome of the Student Conduct hearing and will have the option to submit a request for appeal or a statement of support of the hearing outcome within five business days according to the procedures described above under "Student Conduct Appeals."
- b) All submitted documentation related to the appeal will be considered concurrently. The appeal(s) shall be considered as outlined in this Section. All parties will be notified of the appeal decision within thirty days of when the appeal review took place. The decision is final.

## VI. SANCTIONS:

- A. **REPRIMAND** – A written or oral reprimand is an official statement from the Director of Student Conduct or designee to a student that a College regulation has been violated. This reprimand officially advises the student of a violation and warns that further violations may result in a more severe disciplinary action.
- B. **REPRIMAND WITH CONDITIONS** – Where appropriate, this level of written reprimand may include any or all of the following conditions:
  - a) Educational program or task – Assignment of educational program and/or appropriate task.
  - b) Loss of privileges – Removal of privileges or restriction of activities for a designated period of time.
  - c) Restitution – Reimbursement by the student to cover the cost of damage or loss of property or services. Reimbursement may be partial or complete depending on circumstances, e.g. number of people involved or degree of responsibility.
  - d) Referral – A student may be referred for an assessment or other appropriate professional help if it is believed that this can assist in avoiding further violations.
- C. **DISCIPLINARY PROBATION** – This is an official written notice that advises that the student may risk separation from the college if there are any further violations. Where appropriate, probation may include any or all of the following conditions:
  - a) Educational program or task – Assignment of educational program and/or appropriate task during the period of probation.
  - b) Loss of privileges – Removal of privileges or restriction of activities for a designated period of time, not to exceed the period or probation.
  - c) Restitution – Reimbursement by the student to cover the cost of damage or loss of property or services. Reimbursement may be partial or complete depending on circumstances, e.g. number of people involved or degree of responsibility.
  - d) Referral – A student may be referred to interact with a faculty/staff member from another office or agency during the period of probation if it is believed that this can assist in avoiding further violations.
- D. **PROBATION WITH ACADEMIC CONDITION** (*This sanction can only be applied in cases of Academic Dishonesty.*) Loss of good standing as a member of the college community for a specified period. This is an official written notice that advises that the student may risk

separation from the college if there are any further violations. Where appropriate, this probation may include any or all of the following conditions:

- a) Reduction of a grade in a Course or academic activity in which the incident occurred.
  - b) Failure of the Course or academic activity in which the incident occurred.
- E. **PROBATION WITH DISMISSAL FROM AN ACADEMIC PROGRAM** (*This sanction can only be applied in cases of Academic Dishonesty.*) Loss of good standing as a member of the college community for a specified period. This is an official written notice that advises that the student may risk separation from the College if there are any further violations.
- F. **JUDICIAL REGISTRATION RECORD HOLD** – If a student fails to complete the conditions of a sanction e.g. Reflection Paper, a Judicial Registration Record Hold may be placed on their registration account. With this hold in place, the student is prohibited from participating in registration and course adjustment, requesting transcripts, and from receiving a diploma. The Student Conduct Office will remove the hold after the student has met the conditions of the sanction.
- G. **RELOCATION** – Relocation to another room on campus
- H. **LOSS OF HOUSING LICENSE** – Removal of a student from campus residence. A student removed from campus residence will be continued on probation for a specified period. A student removed from campus residence will generally forfeit the privilege of visiting the residence halls. In cases resulting in loss of Residence License, all policies, conditions, refunds, and cancellation charges as outlined in the Housing Manual will apply.
- I. **“SANCTION” HELD IN ABEYANCE** – This action can be applied to any sanction. It signifies that the sanction that has been held in abeyance will likely go into effect if the student is found to be Responsible of any additional violation of the Student Conduct Manual.
- J. **SUSPENSION** – Temporary separation from the College for a specified period. At the end of the specified period the student may apply for readmission to the college. Special conditions affecting eligibility for readmission or special conditions to be in effect upon readmission may be designated. Restitution, where appropriate, may be required of a suspended student. Suspended students may not visit the campus unless prior permission by the Director of Student Conduct has been granted. Suspended students will not receive academic credit for the semester in which the suspension occurred.
- K. **DISMISSAL** – Permanent separation from the College. Dismissed students are not welcome on the SUNY Plattsburgh campus and may not visit the campus unless prior permission by the Director of Student Conduct has been granted. If found on campus without such permission, the dismissed student will be subject to arrest for Trespass. Dismissed students will not receive academic credit for the semester in which the dismissal occurred.

#### **Resolution Agreement:**

May be an option when students are referred to the Student Conduct Office as a result of a dispute. It is generally reserved for first time and less serious violations. A Resolution Agreement is a voluntary process that requires the commitment of all parties. The goal is to reach a written agreement to resolve the dispute and to prevent it from recurring. The Student Conduct Office will retain a record of the mediation efforts and the mediation agreement. The Student Conduct Process will proceed as it normally would if the parties fail to live up to the agreed settlement, or if resolution attempts fail to reach an agreement.

Students should be aware that while the Student Conduct actions are listed in order of severity they are not necessarily applied in that order. All actions are communicated to the student in writing. A copy of all correspondence is placed in the student’s Student Conduct file. In the event that a student is found

to be Responsible, a copy of the written notification is sent to appropriate College personnel. If a student is found to be Responsible for violating a College regulation pertaining to violence or non-violent sex offense, the following information will be released upon request: name of student, offense, and sanction imposed.

### **SANCTIONING ACADEMIC DISHONESTY CASES**

In Academic Dishonesty cases, the Dean of the faculty where the course was held or the incident occurred, in consultation with the Director of Student Conduct and the Dean of the Faculty of the student's major, determines the sanction to be applied if the student is found responsible. In determining sanctions, this group must take into account any previous cases of academic dishonesty by the student in question, as evidenced by records held in the Student Conduct Office.

Please see appendix C for more information: "Student Conduct Sanctioning Guideline." This information can also be found on our homepage: <https://www.plattsburgh.edu/about/offices-divisions/student-affairs/student-conduct/index.html>

### **VII. POLICIES PERTAINING TO THE STUDENT CONDUCT SYSTEM:**

- A.** All students attending SUNY Plattsburgh are responsible for these regulations. This includes students living on and off campus. A student who violates college regulations off campus in a way that could adversely affect the normal educational function of the College or could injure, endanger, or put at risk, the health and safety of any member of the community may be subject to Student Conduct adjudication by the College. See "Jurisdiction" in Section II of this document for details.
- B.** A student who withdraws or is granted a leave of absence from the College, during the Student Conduct Process, or after a referral has been submitted against them for an alleged violation of the Student Conduct Manual will not be exempt from Student Conduct adjudication by the College. The Student Conduct Process will proceed regardless of whether or not the Respondent chooses to actively participate in the adjudication process in order to achieve a resolution in a timely manner.
- C.** A student who is charged with a violation and who is a graduating senior will be ineligible to graduate until adjudication on the case has been completed and eligibility to graduate is confirmed. If the judicial action results in Suspension or Dismissal, the student will be ineligible to graduate until the term of Suspension has been served. The student may contact the Registrar's Office to apply for graduation one month prior to the completion of the term of Suspension. In cases where the student has been Dismissed, the student will not be eligible to graduate.
- D.** A student, who is charged with a violation just prior to the termination of a semester, where there is not sufficient time for the conduct process to occur, will have their case adjudicated as soon as feasible after the semester ends or at the beginning of the following semester.
- E.** All Administrative Hearings and Student Conduct Board Hearings will be recorded. Students charged may request supervised access to the recording during the period that the recording is preserved. All recordings will be preserved and maintained for a minimum of five years. In cases resulting from charges of **6, Dating and Domestic Violence, 22, Sexual Violence, and 23, Stalking, Sexual Harassment, Sexual Exploitation**, the recording shall be preserved and maintained for at least seven years. The Student Conduct Office does not provide transcriptions. A copy of the recording will only be provided with a court-ordered subpoena.

- F. With the exception noted in paragraph U below, all conduct meetings/hearings are closed. A student who is charged may request, in writing, with justification, permission from the Director of Student Conduct for the hearing to be open to a particular person or persons. The sole discretion lies with the Director of Student Conduct or designee to determine whether to grant such permission. If the number of people exceeds space limitations, if circumstances interrupt the hearing, or if a group's or an individual's behavior is disorderly, the Director of Student Conduct or designee may require some or all people to leave the hearing.
- G. Cameras and other recording devices other than the College recorder are not permitted during any meeting or hearing within conduct process.
- H. All forms of conduct hearings will generally take place in the Student Conduct Office Conference Room of the Kehoe Administration Building unless notified otherwise.
- I. In accordance with the Family Educational Rights and Privacy Act of 1974, the College will release information pertaining to individual Student Conduct cases to appropriate college personnel. If a student is under 21 years of age, and is found to be Responsible for violating campus drug or alcohol regulations, notification will be sent to their home address regardless of dependent status. A student's name, offense committed, and the sanction imposed will be released upon request by any individual, if a violation was one of violence or a non-violent sex offense. Aside from those exceptions, information from a student's Student Conduct file will not be made available to anyone other than the student without the student's written consent.
- J. A student's written conduct record will be maintained for a period of three years from the end of the academic year in which the violation occurred. For more severe violations or if a student is found to be in violation of a College alcohol and/or drug policy, that student's conduct record, shall be maintained for a period of seven years from the end of the academic year in which the violation occurred, to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. If a student is Suspended or Dismissed from the College as a result of violation of College Policy, that student's judicial record shall be maintained indefinitely.
- K. Students who are Suspended or Dismissed for serious violations of the Student Conduct Manual will have the following permanent statement placed on their transcript as appropriate: "Suspended after a finding of Responsibility for a Student Conduct Manual violation" or "Dismissed after a finding of Responsibility for a Student Conduct Manual violation." Suspended students, no sooner than one year after the conclusion of their suspension, may submit a written request to the Director of Student Conduct, to have the transcript notation removed. The decision of whether or not to remove the transcript notation, as well as determining when the notation will be removed is at the discretion of the Director of Student Conduct. Transcript notations for students who are dismissed are permanent. Students who withdraw or take a leave of absence after being charged with a violation of the Student Conduct Manual will have the following notation on their transcript: "Withdrew with Student Conduct Charges Pending" until the case is resolved.
- L. The College President or designee may place a student on Interim Suspension, including but not limited to, students charged with a felony, students involved in acts of violence, etc., upon making a determination that such action is necessary as the student in question poses a threat to the health and safety of any member of the campus community. A student placed on Interim Suspension will as soon as possible be afforded an appropriate hearing. The campus will promptly review existing Interim Suspensions at a party's request, including requests to modify the terms or discontinue it. Parties can submit evidence to support their request.
- M. A student who serves the public in a field placement and/or serves the public in an on-campus facility who is arrested for a felony and not placed on Interim Suspension by the President will



be considered for immediate suspension from these activities by the Dean and Chairperson of their academic program until charges are adjudicated.

- N. When a student has failed to perform according to an indebtedness contract with the College, the College may invalidate the student's I.D. card, withhold transcripts or grades, revoke permission to register, and/or a referral to the Student Conduct Office which could result in Suspension if found Responsible.
- O. The Official College Refund Policy applies to students who are relocated. Students who are suspended or dismissed will be liable for all tuition and fees for that semester.
- P. Individuals who have been Suspended or Dismissed and that are found on campus without being granted prior permission by the Director of Student Conduct will be subject to arrest for trespass.
- Q. When a student is relocated off campus as a result of a conduct violation, that student's housing license with SUNY Plattsburgh will be considered cancelled by the student and any penalties associated with this cancellation of the contract will be the responsibility of the student.
- R. Failure to appear as scheduled at The Review of Conduct Charges, or at any subsequent hearing, Administrative or Student Conduct Board, without approval from the Director of Student Conduct (designee) for the absence will result in the College proceeding in absentia. Sole responsibility of whether or not a reason is satisfactory rests with the Director of Student Conduct (designee).
  - a. Each party (Respondent, Complainant, Reporting Individual) is permitted to request to reschedule a conduct meeting/hearing. Requests cannot be for any longer than 10 business days from the date of the established scheduled meeting/hearing. Requests may be granted based upon a reasonable determination by the Director of Student Conduct (designee). Each party may only reschedule their meeting/hearing one time.
- S. The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Plattsburgh recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Plattsburgh strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution 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 SUNY Plattsburgh officials or law enforcement will not be subject to SUNY Plattsburgh policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.
- T. In all cases where there is an identified Reporting Individual (**Sections 6, Dating and Domestic Violence, 22, Sexual Violence, and 23, Stalking, Sexual Harassment, Sexual Exploitation**); the Reporting Individual is entitled to the same opportunities in Administrative, Student Conduct Board, and Appeal hearings.
  - a. To have witnesses and/or up to two Advisors of their choosing. An Advisor is not, however, eligible to participate in the hearing, e.g., by presenting the Reporting Individual's case or cross-examining witnesses.
  - b. The availability of identified Advisors will be considered but cannot be guaranteed when scheduling all meetings and hearings that are part of the adjudication process. In a circumstance where an identified Advisor cannot attend a scheduled meeting/hearing, the student has the opportunity to identify a different Advisor who is able to attend.

- U. In all cases where there is an identified Reporting Individual (**Sections 6, Dating and Domestic Violence, 22, Sexual Violence, and 23, Stalking, Sexual Harassment, Sexual Exploitation**); the Reporting Individual will be afforded reasonable accommodations at any hearings resulting from the case, to ensure their safety and to facilitate their involvement. These accommodations will include, but are not limited to telephone/videoconferencing, testifying with a room partition, or asking/responding to questions indirectly via the hearing officer. Other reasonable accommodations will be offered, when available, to the Reporting Individual by the Student Conduct Office. The campus will promptly review existing interim measures and accommodations at the request of the party who is affected by that interim measure or accommodation. The parties can submit evidence to support their request. Additional accommodations and protective measures can be found via the two links on [page 7](#) of this document.
- V. The College will conduct a timely review of all complaints of sexual violence, domestic violence, dating violence, and/or stalking. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint.
- W. In all cases where there is an identified Reporting Individual (**Sections 6, Dating and Domestic Violence, 22, Sexual Violence, and 23, Stalking, Sexual Harassment, Sexual Exploitation**); the sanction given to that student will be communicated simultaneously, in writing, to the Respondent, Complainant, and Reporting Individual involved.
- X. If a student is found to be Responsible for a violation of **Section 22, Stalking, Sexual Harassment, or Sexual Exploitation**, the available sanctions include: Probation or Suspension, of one, two, three, four, five, six, seven, or eight semesters, or Dismissal. If a student is found to be Responsible for a violation of **Sections 6, Dating and Domestic Violence and/or 23, Sexual Violence**, the available sanctions include Suspensions of one, two, three, four, five, six, seven, or eight semesters or Dismissal.
- Y. If a student is found to be Responsible for a violation of **6, Dating and Domestic Violence, 22, Sexual Violence, and 23, Stalking, Sexual Harassment, Sexual Exploitation**, the Respondent, Complainant, and the Reporting Individual have the option to submit an Impact Statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions. The Impact Statement must be typed and submitted by the time of the scheduled hearing or it may be sent as an attachment via email. Impact Statements are to be submitted to the Director of Student Conduct (designee) and must be no more than two pages, double-spaced or 500 words.
- Z. Officials serving as part of the Student Conduct Process will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking, and the procedure to conduct an adjudication process that protects the safety of those reporting acts of sexual violence and promotes accountability.
- AA. University Police Officials, the Director of Student Conduct, and the Title IX Coordinator(s) have the authority to issue a "72-hour No Contact Order" upon receipt of a report that involves an accusation towards a student at SUNY Plattsburgh for sexual violence, stalking, sexual harassment, sexual exploitation, domestic violence, dating violence (as defined in the Student Conduct Manual), related violent behaviors, including hazing, an act or threat of physical violence, and ongoing hostile environments. If the individuals issued the "No Contact Order" continues to contact one another, it will be considered a violation of college policy subject to additional conduct charges. In addition, if the Respondent and the Reporting Individual observe each other in a public place, it is the responsibility of the Respondent to leave the area immediately and without directly contacting the Reporting Individual. The campus will promptly review existing No Contact Orders at a party's request, including requests to modify the terms of

or discontinue the Order. The parties can submit evidence to support their requests. If the campus finds it appropriate, it can even make a schedule for parties who seek to use the same facilities without running afoul of the No Contact Order.

**RULES AND REGULATIONS  
FOR MAINTENANCE OF PUBLIC ORDER**

Rules adopted in compliance with Section 6450 of the Educational  
Law are applicable to this college. These rules are available at

<https://www.plattsburgh.edu/about/offices-divisions/administration-finance/management-services/campus-handbook/section-viii-health-safety/trustee-rules-for-maintaining-campus-order-policy.html>

## Section VIII – Appendixes

### Appendix A

#### Student Bill of Rights

Pursuant to NYS Education Law, Article 129-B, (Section 6443)

All students have the right to:

- A.** Make a report to local law enforcement and/or state police.
- B.** Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- C.** Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressures from the institution.
- D.** Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- E.** Be treated with dignity and to receive from the institution courteous, fair and respectful health care and counseling services where available.
- F.** 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.
- G.** Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
- H.** Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution.
- I.** Access to at least one level of appeal of a determination.
- J.** Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.
- K.** Exercise civil right and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

## Appendix B

### Free Speech

#### Freedom of Speech: A Brief Overview

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

-U.S. Const. Amend. I

The SUNY Plattsburgh community embraces principles of free speech, recognizes the complexity of issues surrounding this topic, and believes that they require careful and ongoing thought and attention as a community. As a public university, we are bound to uphold the First Amendment. More broadly, we value the free expression of ideas, including the right of all views, popular and unpopular, to be voiced. This is critical to our educational mission to prepare graduates to thrive in a democratic society. It is our responsibility to educate students about the fundamental importance of free expression and diverse views and their history in the United States. It is also our mission to model and teach civility and tolerance for diverse viewpoints.

The College employs policies that provide meaningful opportunities for members of our community to express their views, along with policies that regulate time, place, and manner for the exercise of free speech so that the normal work of the campus is not disrupted. Similarly, the College does not regulate speech based on its content, but has appropriately created content-neutral regulations governing expression on campus.

The College recognizes that some speech contributes to the marginalization of some community members, especially those who may feel they do not have the same privilege or opportunity as others to exercise their free speech rights. Nonetheless, the courts have routinely deemed campus “hate speech codes” as unconstitutional. Thus, hurtful, upsetting, or offensive speech, including hate speech, is still protected provided it does not cross the line into true threats. As a result, the College supports “more speech” as an appropriate response to such expression. Thus, the College encourages community members to speak out about speech they find to be offensive or hateful. Our community should expect campus leaders to exercise their own free speech rights in responding to extreme speech acts, while recognizing that leadership cannot respond to all speech that some consider offensive. The College values practices that increase awareness among students and faculty about the impact that words and expressions may have, so that we sustain a respectful environment for teaching and learning. Our support for free speech does not mean that the institution agrees with all views expressed or that the College affords moral equivalency to all views.

We condemn and will continue to condemn and take action against acts of hatred, bigotry, racism, sexism, intolerance, and violence on our campus.

## Thoughts on Freedom of Speech

**Q. Is controversial speech legal?**

A. Yes. The Constitutional right to free speech as set forth in the First Amendment to the United States Constitution affirms, with few exceptions, the lawfulness of individuals' and groups' right to communicate virtually any idea regardless of how widely shared or accepted by others it may be.

**Q. Can the College restrict speech on campus?**

A. Yes. However, any restriction must be content-neutral and narrowly tailored to serve a significant government interest. In general, this means that the college can determine the time, place and manner of speech so as to ensure minimal interference with the operation of the college, its provision of services, and people's access to it.

**Q. Can the College restrict speech because it is controversial?**

A. No. College policy may not supersede the Constitution. Moreover, restricting any individual's or group's speech solely on the basis of it being upsetting, or even demonstrably wrong, jeopardizes everyone's rights. The laws that assure free speech for neo-Nazis and pornographers also protect rights of anti-war protesters, civil rights workers, lesbian and gay activists and others fighting for peace, justice, fairness and equality.

**Q. What is the college's official position on controversial speech?**

A. The college has a legal, and indeed a moral, obligation to ensure that it protects the free exchange of ideas. The principles of academic freedom demand that all ideas are given a fair opportunity to rise or fall on their own merit; only then can we have any confidence in our own opinions and beliefs. For this reason, the college will remain a neutral venue and provide the same level of safety and respect to all speakers.

**Q. What is the College's response to bigoted or offensive speech?**

A. SUNY Plattsburgh strives to ensure a safe environment for all constitutionally-protected speech, regardless of its content, and encourages college community members to fully understand their right to free speech under the First Amendment. The College also supports forums and symposia on controversial topics where they can be discussed and debated in an intellectually-stimulating and productive manner.

**Q. How should I respond to controversial speech?**

A. Academic freedom and freedom of speech are hard to take sometimes; it is difficult to see and hear things that challenge your personal beliefs and offend the things that you cherish. But if academic freedom and freedom of speech are to mean anything, they mean that critics cannot silence that with which they disagree – however strongly they may disagree.

You, alone or as part of a group, have the right to respond to a controversial speaker with protected speech of your own. This includes – but is not limited to – talking, circulating literature, displaying signs and singing. However, you may not threaten a speaker or commit any violent act against a speaker. Nor may you participate in the creation of a situation in which the speaker cannot be heard.

You also have the right to ignore a controversial speaker – which is sometimes the best way to show your disagreement with their message and deny them the attention they are often seeking.

## Appendix C

### Student Conduct Sanction Guideline

SUNY Plattsburgh maintains that there is a need to have flexibility in sanctioning those students who have violated the Student Conduct Manual. This flexibility is in place so that the Director of Student Conduct, or designee, may sanction as appropriate to fit the situation as determined to have occurred via the facts of a case. Having said that, it is also important that some standards be maintained to ensure that all are treated equitably within the Student Conduct process and that a student involved in the process can be aware of the possible consequences of their actions.

This general guideline of standards outlines what the likely minimum sanction might be for first-time violations that pertain to COVID-19.

Please note that depending on the severity of the violation, a student may be Suspended or Dismissed after being found Responsible for their first violation.

#### **Section 1: Academic Dishonesty**

- 1.01 Sanction is set through a faculty process
- 1.02 Sanction is set through a faculty process

#### **Section 2: Aiding and Abetting**

The sanction given for violation of this section is solely based on what the student aided and abetted another in doing.

#### **Section 3: Alcohol**

- 3.01 Probation
- 3.02 Reprimand
- 3.03 Reprimand
- 3.04 Reprimand

#### **Section 4: Animals**

Reprimand

#### **Section 5: Computer Use Violations**

Reprimand w/ potential account restrictions

#### **Section 6: Dating & Domestic Violence**

- 6.01 Suspension of one, two, three, four, five, six, seven, or eight semesters, or Dismissal
- 6.02 Suspension of one, two, three, four, five, six, seven, or eight semesters, or Dismissal

#### **Section 7: Disruptive Conduct**

Reprimand

#### **Section 8: Drugs**

- 8.01 Probation
- 8.02 Reprimand

**Section 9: Endangerment**

- 9.01 Incident dependent
- 9.02 Incident dependent
- 9.03 Incident dependent

**Section 10: Failure to Comply**

- 10.01 Reprimand
- 10.02 Reprimand
- 10.03 Reprimand

**Section 11: Falsification of Information**

- 11.01 Reprimand
- 11.02 Reprimand w/ conditions
- 11.03 Reprimand

**Section 12: Firearms, Fireworks, Explosives, Weapons**

- 12.01 Probation w/ conditions
- 12.02 Probation w/ conditions
- 12.03 Probation w/ conditions

**Section 13: Fire Safety**

- 13.01 Probation
- 13.02 Probation
- 13.03 Probation

**Section 14: Gambling**

Incident dependent

**Section 15: Guests**

Dependent upon action of guest(s)

**Section 16: Harassment**

Probation

Note: A disciplinary charge of bias-related behavior that results in a finding of Responsible may subject the student to a sanction more severe than would be imposed in the absence of such motivation.

**Section 17: Hazing**

Probation w/ conditions

**Section 18: Misuse of College Property**

- 18.01 Reprimand w/ conditions (restitution)
- 18.02 Reprimand w/ conditions (restitution)
- 18.03 Reprimand

**Section 19: Obstruction of College Activities**

Reprimand



**Section 20: Residence Hall/Published Institutional Policies**

Incident dependent

**Section 21: Retaliation**

Probation

**Section 22: Sexual Violence**

Suspension of one, two, three, four, five, six, seven, or eight semesters, or Dismissal

**Section 23: Stalking, Sexual Harassment, and Sexual Exploitation**

23.01 Probation or Suspension, of one, two, three, four, five, six, seven, or eight semesters, or Dismissal

23.02 Probation or Suspension, of one, two, three, four, five, six, seven, or eight semesters, or Dismissal

23.03 Probation or Suspension, of one, two, three, four, five, six, seven, or eight semesters, or Dismissal

**Section 24: Student Group Violations**

Reprimand

**Section 25: Theft**

25.01 Reprimand w/conditions

25.02 Reprimand w/conditions

25.03 Reprimand w/conditions

25.04 Reprimand w/conditions

25.05 Reprimand

**Section 26: Threatening or Abusive Behavior**

Probation

**Section 27: Trespass**

Reprimand w/ conditions

**Section 28: Use of the College Name**

Reprimand w/ conditions

**Section 29: Violation of the Student Conduct Process**

Registration Record Hold

**Section 30: Violations of Civil or Criminal Law**

Probation

Note: A student who is found to be Responsible for committing a hate or bias-related crime may be subject to a more severe sanction than would be imposed in the absence of such motivation.

*(Judicial Educator Modules may be assigned with any sanction where appropriate and as determined by the Director of Student Conduct or designee)*

## Appendix D

### **Rules of Decorum for Conduct Proceedings**

#### **Purpose of the Rules of Decorum**

Student Conduct hearings are not civil or criminal proceedings, and are not designed to mimic formal trial proceedings. They are primarily educational in nature and foundation of the conduct process reflects that.

To achieve this purpose, institutions may provide for reasonable rules of order and decorum, which may be enforced through the removal of any person who refuses to comply with the rules.

At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect.

The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of their role.

#### **Rules of Decorum**

The following Rules of Decorum are to be observed in all hearings and applied equally to all parties (meaning the Respondent, Complainant, Reporting Individual, Advisors, and Witnesses):

1. Questions must be conveyed in a neutral tone.
2. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
3. No one may yell, scream, badger, or physically “lean in” to another person’s personal space. No one may not approach another person without obtaining permission from the Board Hearing Officer.
4. No one may use profanity or make irrelevant character attacks upon another person. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
5. No one asking questions may ask repetitive questions. This includes questions that have already been asked by the Board or another party. When the Board Hearing Officer determines a question has been “asked and answered” or is otherwise not relevant, the person asking the question must move on.
6. No person may take action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

#### **Warning and Removal Process**

The Hearing Officer shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Officer will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Reasonable delays, including the temporary adjournment of the hearing, may be considered should an advisor be removed.

The Hearing Officer shall document any decision to remove a person in the written determination regarding responsibility.

## Appendix E

### **Student Conduct Hearing Script**

**Case# XXXXXX**

**Date/Time**

The **Hearing Officer** is the institution's representative in the hearing, and often holds the title of Director of the Student Conduct Office (designee). The Hearing Officer is the keeper of the hearing process, overseeing that everything is moving forward consistent with the institution's policies. They provide introductory information, keep general order, run the script, and lead the process once the hearing gets going. They write the rationale for the determination regarding responsibility on the Conduct Board's behalf.

The Conduct Board, which is comprised of three (3) board members, asks questions of the parties and witnesses, makes credibility determinations and factual judgments, and works with the Hearing Officer to draft the determination regarding responsibility. All board members receive annual training.

#### **I. Introduction:**

**Hearing Officer:** We are officially on the record at approximately **Time/Date** for **case #XXXXXX**. I would ask everyone to mute their devices/cell phones for the duration of the hearing. Thank you. My name is Larry Allen. I am the Director of Student Conduct and I am serving as the Hearing Officer for this hearing. Today's hearing is being recorded, therefore please be reminded to speak clearly throughout the hearing. The use of any other recording device, outside of the one used by the Student Conduct Office for this hearing, is prohibited. The recording of this hearing will be made to be used in any deliberations by the Board or Appeal Board, and may be accessed by the Respondents upon request prior to any appeal. This recording represents the sole official verbatim record of today's hearing and is the property of this institution.

Would each member of the Board please introduce themselves? *[introduction]*.

#### **Three Names**

**The Respondents in this case are:**

1. List of names

**The Advisor(s) for the Respondent(s) is/are:**

List of names or none identified

**The Complainant for this case is:**

1. The College as represented by: member from University Police, Housing and Residence Life, Faculty Member, etc.

**Board Member Confirmation:** Do you have any objections to any of the board members serving in their official capacity today? [*answer from each party*]

*If the answer is yes: The Hearing Officer will consider the stated objection and determine the validity of the objection. If the objection is determined to be valid, the board member in question will leave the proceedings and will be substituted by an alternate board member if possible. If no other board member is available, the hearing will be adjourned until another time. Parties will be asked if there are any objections to the alternate board member.*

*If the answer is no: The proceedings will continue.*

**Witnesses for this case are:**

Called by the College:

1. List of names

Called by the Respondents:

1. List of names

### **Purpose of the Hearing**

This hearing is intended to review policy violations that have been charged to the aforementioned Respondents. It is a violation of the Student Conduct Manual to present false information and intentionally providing false information may lead to further disciplinary action. If you do not remember a detail, or are unsure of a response, it is appropriate to say so. You should also feel free to ask for any question to be repeated, rephrased, or further explained, so that you are in the best position to answer it fully and honestly. [*Also, please be reminded this is a student conduct process, reflective of the educational philosophy of the College, and not a criminal proceeding.*]

### **II. Privacy & Decorum Expectations**

This is a closed hearing, and not open to the public. The individuals participating in this process can and should expect that the information discussed and the documents presented are to be kept to this hearing space (in-person or virtually) in order to protect the privacy of all individuals involved. It is prohibited to provide materials or access to these proceedings to any party not authorized by the Student Conduct Office. Doing so will likely result in College charges.

At this time, I will set the following requirements for decorum related to today's proceedings: Advisors are not permitted to speak during today's proceedings. Advisors may speak ONLY with their advisee during this process outside of the rarest of non-substantive circumstances (such as asking for directions to a restroom or similar situation).

During questioning, Respondents may ask questions respectfully in a way that is intended to bring forth further relevant information for the College to use in making its determination in this matter. All behavior at the hearing is governed by the Decorum Policy, a copy of which has been provided to each of you. At this point, I would ask all Parties (Complainant, Respondent/Reporting Individual) and advisors to acknowledge receipt of the Decorum Policy and affirm on the record that they understand the terms of the Decorum Policy. [*Affirmation*]

Students, please indicate to me directly should you require a break and I will accommodate your request as reasonable. If you have a procedural question or concern, these may also be directed to me as the Board Hearing Officer for the proceedings by raising a hand to indicate you would like to raise a question or concern.

### **III. Due Process Rights**

I will now ask each Party (Respondent/Reporting Individual); do you understand your rights as outlined in the Student Conduct Manual? You will find a copy of your rights in your Hearing Packet. [answer from each Party]

Does anyone have any questions before we begin? [*pause*]

Hearing none, I will proceed with "Review of Conduct Charges"

### **IV. Review of Conduct Charges**

**Hearing Officer:** According to the Review of Conduct Charges the following charges and references apply to this case.

#### **List of Charges for and References for Respondents**

I will now address "Access to Evidence"

### **V. Access to Evidence**

**Hearing Officer:** All parties had an opportunity to review the evidence and the opportunity to submit their own evidence prior to the hearing to afford the parties and the Board the ability to prepare for these proceedings. All evidence is now accepted by the Board in its final form, but it is not conclusive and all determinations of fact will be made independently by the Board. You will now each have a brief opportunity to describe your experience related to these allegations.

Each Party (Complainant/Respondent/Reporting Individual) is now able to provide an opening statement no longer than *five* (5) minutes in length uninterrupted. If you choose not to provide an opening statement, please state as such when given the opportunity to speak.

**{Opening Statements}**

Thank you for your opening statements.

**VI. Questioning**

**Hearing Officer:** We will now begin the questioning portion of the hearing. The Board will start by asking direct questions of the Parties. Following questions by the Board, the Parties, (Complainant/Respondent/Reporting Individual) will have the opportunity to ask each other questions.

**VII. Witnesses** [*This entire section is repeated for each witness called*]

**Hearing Officer:** We will now call the identified witnesses.

Thank you for joining us today. For the record, would you please state your name and role on campus as it relates to this matter?

**Witness Introduction**

*{pause for questions from Board then Parties (Complainant/Respondent/Reporting Individual)}* Rinse & Repeat

*{at the end of all witness questioning}* **Hearing Officer:** We will now close questioning with any final questions from the Board to the parties.

**VIII. Closing Statements**

**Hearing Officer:** That concludes all witnesses requested by the College and by the Parties that were able to attend the hearing. We will now allow the Parties (Complainant/Respondent/Reporting Individual) the opportunity to provide a closing statement no longer than five (5) minutes in length, uninterrupted. If you choose not to provide a closing statement, please state as such when given the opportunity to speak.

*{Closing Statements}*

**IX. Closing**

**Hearing Officer:** Thank you, all, for your participation. At this time, the hearing has concluded. The Board will move to closed deliberations. Every effort will be made for you to be notified of the outcome as soon as reasonably possible. Thank you and take care.

## Appendix F

The following College policy and procedures will be applied to all Title IX cases that fall under the Final Rule.

### **Grievance Policy for Addressing Formal Complaints of Sexual Harassment**

#### **Under the Title IX Regulations**

A link to the official policy in full from the campus website can be [found here](#).

#### **1.0 Purpose**

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 institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **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, SUNY Plattsburgh will implement the following Title IX Grievance Policy, effective August 14, 2020.

#### **3.0 Units and Persons Affected**

All college students and college employees, as well as contractors/vendors and visitors to the campus.