THE POTSDAM PLEDGE

Being more than a collection of individuals, SUNY Potsdam is a community dedicated to the pursuit of common goals. While these goals can be elusive and controversial, the community described in this document reminds us not only of what we are seeking to become but of all that we share in common. Therefore, let it be known that

SUNY Potsdam strives to be:

An Educational Community: sharing academic goals in which students, faculty and staff work together to strengthen teaching and learning;

An Open Community: uncompromisingly protecting freedom of thought, belief and expression;

A Civil Community: expressing disagreements in rational and non-threatening ways and treating all individuals with consideration, decency and respect;

A Responsible Community: accepting obligations under clearly articulated principles of behavior designed to support the common good;

A Safe Community: respecting each other's rights, privacy and property;

A Healthy Community: respecting and promoting physical and emotional wellness;

An Ethical Community: reflecting honesty, integrity and fairness in both academic and extracurricular activities;

A Diverse Community: celebrating our differences and learning from our diversity;

A Socially Conscious Community: seeking to contribute to the betterment of the campus, the local community, the nation and the world; and

A Watchful Community: remaining alert to the threats posed by hatred, intolerance and other injustices and ever-prepared to combat them.
CAMPUS POLICIES AND PROCEDURES

Office of Student Conduct and Community Standards

The Office of Student Conduct and Community Standards oversees all aspects of the student conduct system. This office works closely with students, faculty, staff, and the local community on concerns related to policy violations, conflict resolution, appropriate citizenship, academic integrity, and other quality of life issues. It is the goal of the office through coordination of the student conduct process, to help students learn to think proactively about their own behavior and its effect on others. The desired outcome is that students will accept both the responsibility and consequences for their behavior and will strive to make appropriate choices in the future.

Student Code of Conduct

I. DEFINITIONS OF TERMS

When used in this Code:

A. The terms "College," "institution," and "SUNY Potsdam" mean the State University of New York at Potsdam, and collectively, those responsible for its control and operation.

B. The term "student" includes all persons taking courses at the College both full-time and part-time, pursuing undergraduate, graduate, or extended education courses, or those individuals who were students at the time of a reported violation of the Code, as well as individuals on College premises for any purpose related to registration for enrollment. Persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the College are considered "students."

C. The term “college official” includes any person employed by the college performing assigned administrative or professional responsibilities.

D. The term "faculty" means any person employed by the institution to conduct instructional activities.

E. The term "staff" means any person employed by the institution in any other capacity.

F. In certain situations a person may be both "student" and "faculty" or "staff." One's status shall be determined by the context of the particular situation.

G. The term “Hearing Board” means a board consisting of one student and two faculty/staff convened to determine whether a student has violated the Student Code and to determine sanctions that may be imposed.

H. The term “Hearing Officer” means a member of the faculty or staff authorized to determine whether a student has violated the Code and to determine sanctions that may be imposed.

I. An "organization" is defined as persons enrolled as students at The College who are associated with each other and who are recognized as a collective grouping by a college entity or by Student Government Association. Examples of these include, but are not limited to: a club that is recognized by SGA or registered through the office of Campus Life, an academic honor society, an ensemble through a department, etc.

A "Greek organization" is defined as a group that identifies as a fraternity or sorority and/or uses a new member education process (pledging, training, probationary members, etc.).

A “banned organization” is defined as a group who met the definition of “organization,” but who has permanently lost recognition by a college entity or by Student Government Association. Banned organizations are not permitted to participate, as an organization, in SUNY Potsdam sponsored activities.
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An “unrecognized organization” is defined as persons enrolled as students at the College who are associated with each other and who are not recognized as a collective grouping by a college entity or by Student Government Association. Unrecognized organizations are not permitted to participate, as an organization, in SUNY Potsdam sponsored activities.

J. The term “member of the College community” includes any person who is a student, faculty member, College official, member of an organization, or any other person employed by or affiliated with the College. The Dean of Students, or designee, shall determine a person’s status in a particular situation.

K. The term “college premises” includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the college (including adjacent streets and sidewalks).

L. “Presenter” shall be a member of the institutional community appointed by the Dean of Students or designee to present cases herein. The presenter does not represent any one party involved but rather offers the basic information on the case at hand.

M. “Advocates” are an initial contact for students who feel they have been victims of a sexual misconduct or any harassment. Advocates will guide students to, and, if necessary, through their options including the campus student conduct system. An Advocate may serve as advisor to the reported victim during the actual proceedings of the student conduct system.

N. “Advisor” is a person who aids the victim or accused in the student conduct process as set forth herein.

O. The term "shall" is used in the imperative sense.

P. The term "may" is used in the permissive sense.

Q. “Bystander” shall mean a person who observes a crime, impending crime, potentially-violent or violent behavior, or conduct that is in violation of rules or policies of an institution. A bystander does not become a “reporting individual” when they bring forth a report. They remain a bystander.

R. “Title IX Coordinator” shall mean the Title IX Coordinator and/or his designee or designees.

S. “Student Code of Conduct shall mean the written policies adopted by the institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

T. “Confidentiality” may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers, and pastoral counselors are examples of institution employees who may offer confidentiality.

U. “Privacy” may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution.

V. “Accused shall mean a person accused of a violation who has not yet entered an institution’s judicial or conduct process.

W. “Respondent” shall mean a person accused of a violation who has entered an institution’s judicial or conduct process.

X. “Reporting individual” shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other terms used by an institution to reference an individual who brings forth a report of a violation.

Y. “Sexual activity” shall have the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. 2246 (2) and 18 U.S.C. 2246(3). The term “sexual act” means: (1) contact between the penis and the vulva or the penis and the anus, or for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; (2) contact between the mouth and the penis, the mouth and the vulva, the mouth and the anus; (3) the penetration, however slight, of the anal or genital opening of another by hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse, or gratify the sexual desire of any person; or (4) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, degrade, or arouse or gratify the sexual desire of any person. The term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. Individuals must obtain affirmative consent prior to engaging in any of the activity referenced above.
II. BILL OF RIGHTS
The enumeration of these rights shall not be taken to deny or disparage other rights retained by students as members of the institutional community.

A. Freedom of expression, inquiry and assembly are guaranteed to all students.

B. Students shall be free to pursue their educational goals. The institution shall provide reasonable and appropriate opportunities for learning.

C. All students shall be free, individually and collectively, to express their views on issues of College policy and on matters of interest to the student body.

D. Clearly defined means shall be provided for student participation in the formulation and application of College policy affecting academic and student life.

E. Students shall familiarize themselves with the rules and regulations governing their behavior as members of the institutional community. The burden of providing students with such a reasonable opportunity to be informed rests with the institution. SUNY Potsdam will provide information to each student on how to access the Code of Students Rights, Responsibilities and Conduct.

F. A student accused of violating institutional rules shall have the right to a fair and impartial hearing.

G. Access to his or her academic record is guaranteed to every student, subject only to reasonable regulations as to time, place and manner.

H. The rights of students shall not be abridged or denied on the basis of race, religion, gender, age, creed, color, disability, marital status, national origin, sexual orientation, gender identity, military status or organizational affiliation.

III. CLASSROOM EXPERIENCE

A. In those courses in which discussion is appropriate, students shall have the right to express views on the course material different from those of the instructor.

B. Students shall have the right to a fair and accurate description of course requirements at the beginning of the course.

C. Students have the right to protection through orderly procedures against prejudicial conduct or capricious academic evaluation.

IV. EXPRESSION

A. Discussion and expression of all views are permitted within the institution subject to the requirements of the Policy on Student Rights and Assembly Procedures, the Rules of the Maintenance of Public Order, and this document.

B. Students and campus organizations may invite and hear any persons of their own choosing subject only to the requirements for use of institutional facilities.

C. Any student or organization may publish and distribute written material on-campus without prior approval providing
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such distribution does not disrupt the operations of the College. The College may impose reasonable restrictions on the posting, distribution or display of material.

D. The student press and the student electronic media shall be free from censorship. Sanctions shall not be imposed because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. The student press and media shall exercise this freedom in a manner consistent with the canons of responsible journalism.

E. No individual, group or organization may use the College name without express authorization of the College except to identify institutional affiliation. The student media shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the student body or the College.

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V. PRESERVATION OF STUDENT RECORDS

No student record may be preserved beyond graduation or other final departure from the institution except:

A. Academic records subject to the limitations of the Family Rights and Privacy Act of 1974. FERPA allows a school to disclose information about disciplinary proceedings “to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of § 99.34.”

B. Financial records of continuing obligations.

C. Medical and psychiatric records subject to the normal rules pertaining to privileged information.

D. Placement records.

E. Records retained as required by law.

VI. PROHIBITED CONDUCT

SUNY Potsdam is an academic community committed to the principles of civility and fairness in pursuit of a purposeful academic experience. The provisions that follow shall govern the students of SUNY Potsdam as members of this institutional community. The SUNY Potsdam Code shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, even if his/her conduct is not discovered until after a degree is awarded. The Code shall apply to a student’s conduct even if the student withdraws from school while a disciplinary matter is pending.
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1. Alcohol

Students under 21 years of age may not use, possess, distribute, sell, or knowingly be in the presence of alcoholic beverages on the college campus or in the SUNY Potsdam community except as expressly permitted by the law or college policy.

2. Banned Organizations

Affiliating with any group that has been permanently banned by the College is prohibited. For this purpose, affiliation is defined as joining, rushing, pledging, or being involved in any activity that would normally be associated with being a member of an organization. In addition, residing in facilities that are owned or controlled by a banned organization is considered affiliation.

3. Cooperation

Failure to comply with directions of institutional officials acting in the performance of their duties is prohibited.

Failure to provide a college official with your SUNY ID upon a reasonable request constitutes a violation of cooperation.

4. Damage and/or Theft

Theft from or damage to institutional premises or theft of or damage to the property of others is prohibited.

5. Dishonesty; including but not limited to the following:
   a. Acts of academic dishonesty, to include but not limited to, such as cheating and plagiarism.
   b. Furnishing false information to any college official, faculty member or office.
   c. Forging, alteration or misuse of any college document, record, or instrument of identification.

6. Disruptive Behavior

   a. Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings or other institutional activities is prohibited. This behavior includes but is not limited to excessive noise, abusive or obscene language in a public place, obstructing vehicular or pedestrian traffic and boisterous or threatening conduct which is unreasonable in the area, time or manner in which it occurs.

   b. Individual behavior which adversely affects the quality of life on campus or unduly disturbs one or more members of the College community is prohibited. There will be special attention placed on incidents where it is apparent that consumption of alcohol or some other substance is a primary contributing factor.

7. Doors

Willfully impeding the proper function of doors is prohibited. Propping open exterior or interior doors that allow access to a locked facility is prohibited. Unauthorized entry into any building or facility is prohibited.
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8. Drugs

a. Students may not use, possess, distribute, sell, or knowingly be in the presence of marijuana, other illegal drugs, and/or controlled substances.

b. Any items that can be utilized for or are designed for the use of drugs (e.g. bowls, bongs, etc.) are prohibited. Any items that are fashioned for the purpose of drug use will also be considered a violation of this policy.

c. Students may not use, possess, distribute, sell, or knowingly be in the presence of synthetic cannabinoids or other similar substances.

9. Elevators

Willfully overloading, damaging, dismantling or tampering with elevators or elevator equipment is prohibited.

10. Fire

a. Tampering with fire safety equipment on campus is prohibited.

b. Intentionally, carelessly, or recklessly causing the false report of a fire alarm, either personally or by activating the fire alarm system is prohibited.

c. Intentionally, carelessly or recklessly causing a fire to be ignited in any College building or on the grounds of the campus without a legitimate purpose is prohibited.

d. Intentionally interfering with or failing to follow emergency procedures, including fire drills/alarms, is prohibited.

This may also be a criminal offense and persons apprehended and found responsible may be subject to both College sanctions and criminal penalties.

11. Harassment:

Includes such acts as, but is not limited to:

a. Attempting or threatening to subject another person to unwanted physical contact.

b. Stalking any person by any means including by physical, electronic, written or telephonic means.

c. Persistent, pervasive, or severe bullying behaviors such as theft or destruction of personal property, public humiliation, intimidating or threatening behaviors.

d. Directing obscene language or gestures at another person or group of people in a threatening manner.

Bias-Related Harassment. Harassing conduct that limits or denies equal treatment of another person or persons and is based on race, religion, gender, age, creed, color, disability, marital status, national origin, sexual orientation, gender identity, military status or organizational affiliation or other protected characteristics is prohibited.
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• Oral, written, graphic or physical conduct relating to an individual's race, color, national origin (including an individual's ancestry, country of origin, country of origin of the student's parents, family members, or ancestors) or other protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities is also prohibited.

• Such bias-related acts may subject the offender(s) to more serious levels of sanctioning.

12. Hazing

Respect for the dignity and rights of other students are a basic tenet of the College community. Any activity expected of someone that humiliates, degrades, abuses, or which endangers the mental, emotional, physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization or team whose members are or include students at SUNY Potsdam is prohibited. Hazing may 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. Hazing is prohibited in this community.

13. Published Institutional Rules

Violation of any published institutional rule, such as Residence Life policies, the Acceptable Use Policy (campus computer use policy), and the Academic Honor Code.

14. Reckless Action

The taking of any action or the creating or participating in the creation of any situation which recklessly or intentionally endangers mental or physical health is prohibited.

15. 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.

16. Sexual Misconduct

a. Any sexual act that occurs without the consent of the victim or that occurs when the victim is unable to give consent is prohibited.

b. Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others, is prohibited.

Note: Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
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a) 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.
b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
c) Consent may be initially given but withdrawn at any time.
d) 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.
e) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
f) When consent is withdrawn or can no longer be given, sexual activity must stop.

17. Surreptitious Electronic Use

Any unauthorized use of electronic or other devices to secretly make an audio, video, photographic, or digital record of any person while on College premises or the College community without their prior knowledge or without their effective consent when such a recording is likely to cause injury or distress is prohibited.

18. Violation of Law

Violation of any local, state or federal law or rule and/or regulation established by the Board of Trustees of the State University of New York is prohibited.

19. Weapons

The possession on campus of any weapons, including but not limited to, firearms and ammunition, explosives, knives with blades over four inches, swords, martial arts equipment, stun guns, air guns, paint-ball guns, pellet guns, clubs, crossbows, archery equipment, sling shots etc. is prohibited.

20. Greek Policies Related to Alcohol and Drugs

A. The possession, sale, use or consumption of ALCOHOLIC BEVERAGES, while on chapter premises or during a fraternity event, in any situation sponsored or endorsed by the chapter, or at any event an observer would associate with the fraternity,

1. must be in compliance with any and all applicable laws of the state, province, county, city and institution of higher education, and
2. must comply with either the BYOB or Third Party Vendor Guidelines.
   i. Sponsorship and endorsement may include the contribution of funds, supplies, food, or management of the event or significant portion of membership in attendance.
   ii. There is increased potential for responsibility where alcohol is present at an event.
   iii. BYOB (Bring Your Own Beverages) is the process where members or guests bring their own individual supply of a beverage for personal consumption. BYOB is not the use of a common source of alcohol provided by any members, alumni, guests, or co-sponsors such as cases of beer, bottles of alcohol, kegs, party balls, etc.
   iv. Third Party Vendor use applies to situations in which the organization contracts a licensed purveyor of alcohol in a bar, dance hall, drinking establishment, hotel, restaurant, etc., or by inviting a catering company to the organization’s or co-sponsor’s location.
   a. The organization may pay for
      i. The vendor employee salaries
      ii. Set up costs excluding any purchase of alcohol


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iii. Facility rental

b. Events with a Third Party Vendor maintain that individuals of age will pay for their own drinks on a cash per drink basis only.

c. There may not be “all you can drink” nor “discount” rates by way of chapter subsidy or by gift of the vendor.

B.

1. No alcoholic beverages may be purchased through or with chapter funds nor may the purchase of same for members or guests be undertaken or coordinated by any member in the name of or on behalf of the chapter.

2. The purchase or use of a bulk quantity or common source(s) of alcoholic beverage, for example, kegs or cases, is prohibited.

C. OPEN PARTIES, meaning those with unrestricted access by non-members of the fraternity, without specific invitation, where alcohol is present, are forbidden.

D. No members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e., those under legal drinking age).

E. The possession, sale or use of any ILLEGAL DRUGS or CONTROLLED SUBSTANCES while on chapter premises or during a fraternity event or at any event that an observer would associate with the fraternity is strictly prohibited.

F. No chapter may co-sponsor an event with an alcohol distributor or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol) at which alcohol is given away, sold or otherwise provided to those present. This includes any event held in, at or on the property of a tavern as defined above for purposes of fundraising. However, a chapter may rent or use a room or area in a tavern as defined above for a closed event held within the provisions of this policy, including the use of a third party vendor and guest list. An event at which alcohol is present may be conducted or co-sponsored with a charitable organization if the event is held within the provisions of this policy.

1. An organization may have events with a bar or drinking establishment, but without the use of advertisement, and only within a controlled setting regarding guests and Third Party Vendor guidelines.

2. The sale of tickets to an event, such as a band, may not be coordinated at the event, may not be used to pay the vendor, and must be paid to the entertainment prior to the event and separate from any situation where alcohol is present. Such events must still remain restricted and careful sale of tickets may only be to those determined by the guest list.

3. The organization may not advertise for an event using the name of an alcohol vender or information about the presence of any alcohol whether it is BYOB or using a Third Party Vendor.

4. All financial transactions with the vendor must take place prior to the event and not involve alcohol purchase or subsidy.

G. No chapter may co-sponsor, co-finance or attend or participate in a function at which alcohol is purchased by any of the host chapters, groups or organizations.

H. All recruitment or rush activities associated with any chapter will be non-alcoholic. No recruitment or rush activities associated with any chapter may be held at or in conjunction with a tavern or alcohol distributor as defined in this policy.
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I. No member or pledge, associate/new member or novice shall permit, tolerate, encourage or participate in "drinking games". The definition of drinking games includes but is not limited to the consumption of shots of alcohol, liquor or alcoholic beverages, the practice of consuming shots equating to one's age, "beer pong", "century club", "dares" or any other activity involving the consumption of alcohol which involves duress or encouragement related to the consumption of alcohol.

J. No alcohol shall be present at any pledge/associate member/new member/novice program, activity or ritual of the chapter. This includes, but is not limited to, activities associated with "bid night", "big brother/big sister night," and initiation.

21. Dating Violence

Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two 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.

22. Domestic Violence

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

23. 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 his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

24. Sexual Assault

A physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly called "date rape" and "acquaintance rape"), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

25. Sex Discrimination

Includes all forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Student, employees, and third parties are prohibited from harassing others whether or not the harassment occurs on the SUNY campus or whether it occurs during work hours. How minor, will result in immediate suspension.

Sex discrimination can be carried out by other students, college employees, or third parties. All acts of sexual discrimination, including sexual harassment and sexual violence, are prohibited by Title IX.
26. **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 battery, sexual abuse, and sexual coercion.

**NOTE:** Discrimination Complaint Procedure:

SUNY Potsdam follows the SUNY System complaint procedures which can be found at:

http://www.suny.edu/sunypp/documents.cfm?doc_id=451

**VII. SANCTIONS**

The following sanctions may be imposed after proper procedures have been followed if the preponderance of the evidence establishes a violation of prohibited conduct. The list is not exhaustive or exclusive. The Hearing Boards and Hearing Officers may impose any single sanction listed or a combination thereof. When determining disciplinary sanctions, the Hearing Board or Hearing Officer shall consider a student’s past disciplinary record. Repeat offenses may lead to the recommendation of suspension or expulsion.

**A. Hearing Board/Officer Sanctions**

1. **Conditional Discharge:** Dismissal of charges on conditions established by the Hearing Officer or Hearing Board.

2. **Disciplinary Probation:** Probationary status for a specified length of time. However, students on probation and found responsible for violations of a policy, may be subject to more severe sanctions.

3. **Residence Hall Probation:** Loss of priority in the housing assignment process and notification that the student’s housing privilege is in jeopardy.

4. **Restitution:** Compensation for damages done or payment for expenses incurred as a result of the student’s behavior. In most cases, this sanction should be imposed in conjunction with another sanction.

5. **Community Service:** Assignment of tasks to be carried out on campus or within the community at large within a specified period of time.

6. **Residence Hall or Campus Restriction:** Restriction from appearing in any residence hall or other area of campus. Other restrictions may be imposed such as denial of access to specified campus services or activities. A student may also be barred from the entire campus if behavior threatens the health, safety or well-being of the College community.

7. **Disciplinary Removal from Residence:** Removal from College residence halls on either a permanent basis or for a stated period of time without refund.

8. **No Contact Order:** A directive that the sanctioned student shall stay away from other faculty, staff, or student(s) and shall not in any way communicate or interact with said named faculty, staff, or student(s).

9. **Restriction Order:** A directive restricting the sanctioned student from certain stated acts, activities, places, people or things.
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10. Deferred Suspension: This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant suspension but feels there are mitigating circumstances that warrant one final chance. Being found responsible for another violation during the period of deferred suspension, no matter how minor, will result in immediate suspension.

Note: Failure to complete sanctions by the assigned deadline will result in a “Conduct Hold”. The “Hold” will remain in effect until all assigned sanctions are complete. The “Hold” means you are unable to register or make changes to your class schedule.

B. Recommendations to President

Hearing boards/officers may recommend a sanction of suspension or expulsion. Only the President of the College (or designee) can impose them. Such a case is not acted upon by the President until the student conduct process, to include appeal, is completed.

1. Disciplinary Suspension:

   a. Partial suspension: exclusion from particular activities, academic or co-curricular, for a specified period of time.

   b. Full suspension: exclusion from all College activities for a specified period of time.

   c. Students sanctioned with full suspension shall not receive credit for the semester in which the suspension occurred, and will be liable for all tuition and fees for that semester.

   d. Student will not be allowed on the SUNY Potsdam campus, as a student, guest, employee, or in any other role or for any other purpose without permission of the Director of Student Conduct and Community Standards.

   e. Students found in violation of this sanction could result in arrest for trespass/criminal trespass.

   f. When a student has been suspended for behavioral reasons, upon notification by the Director of Student Conduct & Community Standards, the College Registrar will place the notation “Suspension-Disciplinary”. For suspensions related to crimes of violence, hazing, sexual misconduct, or other serious violations, the notation will permanently remain on the transcript. For others, the notation will remain on the academic transcript at least for the period of the suspension plus one year. At that time, the student may petition to have the notation removed. The Director of Student Conduct & Community Standards may have the notation restored if the individual becomes involved in any disciplinary incident on campus or in any criminal action in connection with the College.

2. Disciplinary Expulsion: Meaning the student can never return to SUNY Potsdam to finish their course of study.

   a. Students sanctioned with expulsion shall not receive credit for the semester in which the expulsion occurred and will be liable for all tuition and fees for that semester.

   b. Student will not be allowed on the SUNY Potsdam campus as a student, guest, employee, or in any other role or for any other purpose without permission of the Director of Student Conduct and Community Standards.

   c. Students found in violation of this sanction could result in arrest for trespass/criminal trespass.
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d. When a student has been sanctioned with expulsion for a behavioral reason, upon notification by the Director of student Conduct & Community Standards, the College Registrar will place the notation “Expulsion—Disciplinary” on the academic transcript. This notation will remain on the academic transcript permanently.

3. Disciplinary Action Pending:
   a. For alleged Student Code of Conduct violations, the Director of Student Conduct & Community Standards can place a Banner Hold on students who withdraw or leave the institution prior to disposition of the alleged violation. A notation of “Withdraw-Pending Conduct Charges” will appear on the academic transcript. At the request of the student, arrangements can be made to dispose of the violations during his or her separation. If not, appropriate action will be taken upon the student’s return to SUNY Potsdam. The notation will remain on the transcript until appropriate disposition of the violation has been made. If finding of responsibility is vacated, for any reason, any such above transcript notation shall be removed with the College Registrar is directed to do so by the Director of Student Conduct & Community Standards.

VIII. CONDUCT HEARINGS

College disciplinary proceedings are administrative proceedings and do not rise to the level of civil or criminal proceedings and are not courts of law. Thus, the due process requirements for hearings conducted under this Code are not identical to the due process requirements of courts of law. College disciplinary proceedings shall extend fundamental rights to all parties.

The standard for establishing responsibility shall be based on what most likely occurred.

A. General Procedures for Individual Student Hearings

1. Any academic or administrative official, faculty or staff member, or student may file a complaint against any student.

2. Any party involved in a disciplinary proceeding may be accompanied by another individual whose role shall be advisory only.

3. A Hearing Board/Officer member who is unable to be impartial for whatever reason shall recuse himself or herself.

4. The institution may conduct a preliminary investigation to determine if the charges may be disposed of informally without the initiation of formal disciplinary proceedings. If all parties do not agree to informal disposition of charges, then the Director of Student Conduct and Community Standards must initiate formal charges see.

5. All charges shall be initiated by the filing of a written complaint with the Director of Student Conduct and Community Standards. Said officer shall conduct a preliminary investigation to determine if formal charges are to be filed.

6. If charges are filed, the accused student shall have the following choices:
   a. an Administrative Agreement in Waiver of a Hearing with the Director of Student Conduct and Community Standards or designee
   b. a hearing before a Hearing Board or Hearing Officer, as directed by the student conduct charge letter, except in cases of reported harassment or sexual misconduct.
7. **Interim Suspension**

The Director of Community Standards or designee may summarily suspend a student and/or student organization; prohibit access any or all appropriate portions of College premises, College-related activities, and/or registered student organization activities; and/or permit the student or student organization to remain only under specified conditions for the interim period prior to a conduct hearing. An interim suspension will be imposed whenever the Director of Community Standards or designee determines that the continued presence of the student on the College campus poses a significant risk of substantial harm to the health and/or safety of another student, other members of the College community, to the stability or continuance of normal College functions, or to property.

The Director of Community Standards or designee may suspend a student for an interim period pending conduct proceedings or medical/mental health information. The interim suspension will become effective immediately without prior notice. Interim suspension may be imposed only:

- To ensure the safety and well-being of members of the College community or preservation of College property;
- If the student poses a significant threat of disruption of or interference with the normal operations of the College.

A student subject to an interim suspension will be given written notice of the suspension and will be referred to these standards and procedures. The student will be given an opportunity to appear personally before the Director of Community Standards or designee within four (4) College business days from the effective date of the interim suspension, in order to review the following issues only:

- The reliability of the information concerning the student’s conduct;
- Whether or not the conduct and surrounding circumstances reasonably indicates a significant risk as described above;

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.

If the risk posed by the student is the result of a medical or mental health condition or disability, the Director of Community Standards or designee shall also determine whether the risk can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is provided. The Director of Community Standards or designee may require that the student submit medical or mental health information to determine whether any such condition exists and whether reasonable accommodation is possible. If the student fails to submit required information and the available evidence establishes that the student’s presence poses a significant risk of substantial harm to the health and/or safety of other students, other members of the College community, to the stability or continuance of normal College functions or property, the Director of Community Standards or designee may continue the interim suspension.

A student suspended on an interim basis shall, upon his or her request, be given an opportunity to appear personally before the Dean of Students or designee, within five (5) school days from the effective date of the interim
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suspension except when the student is physically or mentally incapacitated. In such cases, the meeting shall be held at the student's request as soon as is practical. A meeting shall then be held on the following issues only:

- The reliability of the information concerning the student's conduct, including the matter of his or her identity;
- Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to others, or to the stability and continuance of normal College functions.

8. All effort will be made to ensure that the calendar of disciplinary proceedings shall be set within three and ten days from the date of notification of the filing of formal charges by the Director of Student Conduct & Community Standards. The actual disciplinary hearing shall be scheduled in a manner that is both expeditious and fair to all parties. The accused student shall receive written notification of the date, time and place of the hearing. A request for delay may be made to the Director of Student Conduct & Community Standards or designee. This delay, if granted, will be no more than five days.

9. If Administrative Agreement in Waiver of a Hearing is not a viable option, a hearing before a Hearing Officer shall be held in lieu of a Hearing Board.

This determination shall be made by the Director of Student Conduct and Community Standards. In such cases, appeal from the decision of the Hearing Officer shall be to the Dean of Students.

10. All disciplinary hearings are presumptively closed to the college community in an effort to maintain confidentiality of student conduct/education records.

11. In hearings involving more than one party, the Hearing Board/Officer may agree to separate hearings for any of the accused upon request by that student no less than twenty-four (24) hours in advance of the hearing.

12. The College and accused party shall have the right to offer witnesses and to challenge evidence and/or witnesses against him or her.

13. There shall be a digital recording of the hearing. Access to this recording must be made available to either the victim or the accused for use in an appeal. It will be accessible in the Office of Student Conduct and Community Standards upon request and shall not be removed from the office.

14. No recommendation for the imposition of sanctions may be based solely upon the failure of the accused student to answer the charges or appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered.

15. Individual Student Hearing Procedures:

A. Pre-hearing discussion by board members. Board members discuss the case to ensure that all written material is understood, to develop questions that should be asked, and to ensure that any procedural questions are answered. The Director of Student Conduct and Community Standards will work with the board during this time to clarify any procedural questions.
B. Everyone involved in the hearing is invited into the room. This includes all witnesses.
C. Digital recorder is turned on.
D. Introductions. Chair asks each person to introduce him/herself, giving name and what their role is in the hearing (Individual bringing forth charges, student charged, advisor, witness, etc.)
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E. Explain use of the recording. A digital record is made in order to be available for an appeal. An appeal may be made within 4 business days of receiving notification of the outcome of a hearing. The digital record will be kept only for the length of the appeal period, except in cases of suspension or expulsion.

E. Query student charged as to the appropriateness of board members. If the student objects to the participation of any member of the board, ask for an explanation. The chair will then call a brief recess so that the board can consider the objection. The chair will rule on the objection and may (a) continue the hearing with the same board, (b) ask the board member in question to leave and continue the hearing, or (c) adjourn the hearing and take steps to have a new hearing scheduled. Students will be asked to return to the room and the chair will announce the decision with the rationale recorded on digital recorder.

E. Remind all parties of the following information:

- Confidentiality of the hearing: It is expected that all information (testimony and written material) given in the hearing will remain confidential. Sharing information presented during the hearing may result in disciplinary action.
- Role of the advisor to either party: Advisors are reminded that they may only speak with their advisee. If the advisor has a question, he/she must ask their advisee to address the board.
- Presenting false information: It is a violation of College policy to present false information in a student conduct hearing. Such a violation may lead to disciplinary action.

H. Chair reviews the format of the hearing.

1. Both parties have the opportunity to make an opening statement.
2. After each opening statement, witnesses will be asked to participate.
3. At the appropriate time during the hearing, each party will have an opportunity to question their witness as well as the witnesses called by other parties to the proceeding.
4. Board members may ask questions throughout the hearing.
5. Both parties can make final statements.
6. Finally, there will be a time for the board and either party to ask final questions to help everyone understand the incident.

I. Witnesses are asked to leave the room. In most cases, witnesses are asked to wait outside the hearing room. They are called in individually to explain whatever information they might have regarding the incident.
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J. Response of the accused student to each charge. Read each charge, completely, as presented on the charge letter. Have the student state verbally into the recorder whether or not s/he is RESPONSIBLE or NOT RESPONSIBLE for the charge. For more than one charge, ask the student to respond to each charge individually. In the unlikely event that a student will not respond responsible or not responsible, indicate the student failed to respond.

K. Opening statement made by individual bringing forth charges, (if student or non-Res Life Staff). The statement should be relevant to the charges; then

1. The board will ask questions.
2. The student charged will ask questions.
3. Additional questions may be asked.

L. Opening statement made by student accused. The statement should be relevant to the charges.

1. The board will ask questions.
2. The student charged will ask questions.
3. Additional questions may be asked.

M. Witnesses for the individual bringing forth charges, make statements. Each witness comes in individually. Restate name and provide address for the record.

1. The board will ask questions.
2. The student charged will ask questions.
3. Additional questions may be asked.

N. Witnesses for the student charged make statements. Each witness comes in individually. Restate name and provide address for the record.

1. The board will ask questions.
2. The student charged will ask questions.
3. Additional questions may be asked.

O. Final comments made by Individual bringing forth charges.

P. Final comments made by student charged.

Q. Final questions and discussion. This is a chance for everyone in the hearing to ask any final questions which will add to everyone’s understanding of what happened in the incident and help the board to understand the student’s attitude about the incident.

16. An appeal of a decision from the initial hearing may be made by the Director of Student Conduct and Community Standards, or the accused student in a case within four (4) school days of receipt of the decision. The time period to file an appeal may be extended through a written request to the Dean of Students. Extensions are granted on a case by case basis. A victim, if dissatisfied with the sanction(s) imposed, may request the Director of Student Conduct and Community Standards or designee to file an appeal.

17. Appeals must be written by and submitted by the student, on the designated form, to the Director of Student
CAMPUS POLICIES AND PROCEDURES

Student Code of Conduct

R. Explain that the board will move into closed session to deliberate. At this point, the board will go into closed session to determine whether or not the student charged is responsible or not responsible for each of the charges and will recommend sanctions. These recommendations will be given to the Director of Student Conduct and Community Standards, who will notify the student charged, in writing, of the board’s decision as soon as possible. If the student is found responsible, s/he may appeal the board’s decision based on specific criteria that is defined in the Code of Student Rights, Responsibilities and Conduct.

S. Turn off the digital recording.

T. All but board members leave the room.

16. An appeal of a decision from the initial hearing may be made by the Director of Student Conduct and Community Standards, or the accused student in a case within four (4) school days of receipt of the decision. The time period to file an appeal may be extended through a written request to the Dean of Students. Extensions are granted on a case by case basis. A victim, if dissatisfied with the sanction(s) imposed, may request the Director of Student Conduct and Community Standards or designee to file an appeal.

17. Appeals must be written by and submitted by the student, on the designated form, to the Director of Student Conduct and Community Standards, who will forward it to the Appellate Board members. An appeal is a review of all testimony and evidence presented at the Hearing. Therefore, every effort should be made to include all important information that the appealing party wants the Appellate Board to review.

A. An appeal may be filed by the accused student on the following grounds only:

1. that the initial hearing body failed to observe the procedural requirements established by this Code;

2. that the sanction imposed by the initial hearing body was unreasonable;

3. that due process requirements have not been met;

4. that new evidence has appeared that was not available at the time of the hearing, which could have substantially affected the decision.

B. Appeals may be filed by the Director of Student Conduct and Community Standards, on the following grounds only:

1. that the initial hearing body failed to observe the procedural requirements established by this Code;

2. that the sanction imposed by the initial hearing body was unreasonable.

18. A party charged with an offense under the Code may choose to waive, in writing, any of the rights attendant to these proceedings.
CAMPUS POLICIES AND PROCEDURES

Student Code of Conduct

General Procedures for Organizational Hearings

1. Any academic or administrative official, faculty or staff member, or student may file a complaint against an organization. The organization’s president or designee and no more than 2 other organization members shall represent the organization charged throughout the conduct process.

2. Any organization representatives involved in the conduct proceedings may be accompanied by another individual whose role shall be advisory only.

3. A Hearing Board member who is unable to be impartial for whatever reason shall disqualify himself or herself.

4. All investigations will be initiated by the Director of Student Conduct and Community Standards or designee.

5. The Director of Student Conduct and Community Standards or designee may do a preliminary investigation to determine if the complaint may be disposed of informally or if formal charges are to be filed.

6. If charges are filed, the accused organization shall have the choice of an Administrative Agreement in Waiver of a Hearing with the Director of Student Conduct and Community Standards or designee or a Hearing Board, as directed by the organization conduct charge letter.

7. Upon the service of notice of investigation and/or charges, the Director of Student Conduct and Community Standards or designee may suspend an organization and/or activities of said organization for an interim period pending disciplinary proceedings. This will happen at the discretion of the Director of Student Conduct and Community Standards or designee.

8. The actual disciplinary hearing shall be scheduled in a manner that is both expeditious and fair to all parties. The President of the accused organization shall receive written notification of the date, time and place of the hearing; generally 3 days prior to the hearing.

9. If a violation of the Code of Conduct and/or Greek Policies Related to Alcohol and Drugs occurs when the College is not in session, or when the end of the semester precludes conformance to the established procedures and an Administrative Agreement/Waiver of a Hearing is not a viable option, a hearing will be held as soon as administratively possible at the beginning of the next semester. This determination shall be made by the Director of Student Conduct and Community Standards or designee.

10. All disciplinary hearings are presumptively closed to the College community in an effort to maintain confidentiality of conduct/education records.

11. There shall be a verbatim record (recording) of the hearing. Access to this record must be made available to either the victim or the accused for use in an appeal.

12. No recommendation for the imposition of sanctions may be based solely upon the failure of the accused organization to answer the charges or appear at the hearing. In such a case, the evidence in support of the charges shall be presented and considered.

13. Organization Conduct Hearing Process

   A. Pre-hearing discussion by board members. Board members discuss the case to ensure that all written material is understood, to develop questions that should be asked, and to ensure that any procedural questions are answered. The Director of Student Conduct and Community Standards will work with the board during this time to clarify any procedural questions.

   B. Everyone involved in the hearing is invited into the room. This includes all witnesses.

   C. Digital recorder is turned on.
CAMPUS POLICIES AND PROCEDURES

Student Code of Conduct

D. Introductions. Chair asks each person to introduce him/herself, giving name and what their role is in the hearing (Individual bringing forth charges, organization charged, advisor, witness, etc.) for the record.

E. Explain use of the digital recording. A digital recording is made in order to be available for an appeal. An appeal may be made by either party within 4 working days of receiving notification of the outcome of a hearing. The digital recording will be kept only for the length of the appeal period, except in cases of any form of separation from the institution when it becomes part of the permanent record.

F. Query group charged as to the appropriateness of board members. If the organization representatives objects to the participation of any member of the board, ask for an explanation. The chair will then call a brief recess so that the board can consider the objection. The chair will rule on the objection and may (1) continue the hearing with the same board (2) adjourn the hearing and take steps to have a new hearing scheduled. The organization will be asked to return to the room and the chair will announce the decision with the rationale recorded on record. If the objection is with the chair, the Director of Student Conduct and Community Standards will request an explanation and work with parties involved to determine whether to proceed or adjourn.

G. Remind all parties of the following information:

- **Confidentiality of the hearing:** It is expected that all information (testimony and written material) given in the hearing will remain confidential. Sharing information presented during the hearing may result in disciplinary action.

  **NOTE:** An organization representative may share information with the members and/or alumni as it relates to the hearing.

  **NOTE:** The College may choose to share information with affiliated alumni, affiliated students and group advisor as it relates to the hearing.

- **Role of the advisor to either party:** Advisors are reminded that they may only speak with their advisee. If the advisor has a question, they must ask their advisee to address the board.

- **Presenting false information:** It is a violation of College policy to present false information in a conduct hearing. Such a violation may lead to further disciplinary action.

H. Chair reviews the format of the hearing.

1. Both parties have the opportunity to make an opening statement.
2. After both opening statements, witnesses will be asked to participate.
3. At the appropriate time during the hearing, each party will have the chance to question the other and all witnesses.
4. Board members may ask questions throughout the hearing.
5. Both parties may make closing statements.
6. Finally, there will be a time for the board and either party to ask final questions to help everyone understand the incident.

I. Witnesses are asked to leave the room. In most cases, witnesses are asked to wait outside the hearing room. They are called in individually to explain whatever information they might have regarding the incident.
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J. Response of the accused organization to each charge. Read each charge, completely, as presented on the charge letter. Have the organization state verbally into the recorder whether they are RESPONSIBLE or NOT RESPONSIBLE for the charge(s). For more than one charge, ask the organization to respond to each charge individually. In the unlikely event that a organization will not respond, record not responsible on the summary form.

K. Opening statement made by Individual bringing forth charges. The statement should be relevant to the charges; then

   1. The board will ask questions.
   2. The organization charged will ask questions.
   3. Additional questions may be asked.

L. Opening statement made by organization accused. The statement should be relevant to the charges.

   1. The board will ask questions.
   2. The organization charged will ask questions.
   3. Additional questions may be asked.

M. Witnesses for the Individual bringing forth charges, make statements. Each witness comes in individually.

   1. The board will ask questions.
   2. The organization charged will ask questions.
   3. Additional questions may be asked.

N. Witnesses for the organization charged make statements. Each witness comes in individually.

   1. The board will ask questions.
   2. The organization charged will ask questions.
   3. Additional questions may be asked.

O. Final comments made by Individual bringing forth charges.

P. Final comments made by organization charged.

Q. Final questions and discussion. This is a chance for everyone in the hearing to ask any final questions, which will add to everyone’s understanding of what happened in the incident and help the board to understand the organization’s perspective about the incident.

R. Explain that the board will move into closed session to deliberate. At this point, the board will go into closed session to determine whether or not the organization charged is responsible or not responsible for each of the charges and will determine sanctions if appropriate. The Hearing Board or Hearing Officer may request the Director of Student Conduct and Community Standards remain in the hearing area in case there are questions of clarification. Should there be a need for sanctioning, the Director of Student Conduct and Community Standards and the Director or Assistant Director of Campus Life will work with the hearing board to ensure the sanctions are appropriate and educational in order for the organization to continue positive growth in the campus community. These decisions will be given to the Director of Student Conduct and Community Standards or designee, who will notify the organization charged, in writing, of the board’s decision. If the organization is found responsible, they may appeal the board’s decision based on specific criteria that is defined later in this document.
CAMPUS POLICIES AND PROCEDURES

Student Code of Conduct/Sexual Misconduct Policy

14. Past History

A. The past history of an organization will not be admissible in a hearing except in the following cases:
   1. A representative for the organization presents false information during the hearing about the organization’s past judicial and/or other history.
   2. If, in the past, the organization charged was found to have violated a similar policy (“Past Violation”), the information related to the Past Violation may be considered by the Hearing Board if:
      a. The previous violation was substantially similar to the present complaint; and
      b. The previous violation indicates a pattern of behavior and substantial conformity with that pattern by the organization charged.

15. Appeals

An appeal of a decision from the initial hearing may be made by Director of Student Conduct and Community Standards or designee, or the accused organization within four (4) school days of the decision except as the period may be extended by the Appellate Board. A victim, if dissatisfied with the sanction(s) imposed, may request the Director of Student Conduct and Community Standards or designee to file an appeal, and such request shall not be unreasonably refused.

• Appeals may be filed by the Director of Student Conduct and Community Standards or designee, on the following grounds only:
  a. that the initial hearing body failed to observe the procedural requirements established by this Code;
  b. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known circumstances.

• An appeal may be filed by the accused organization on the following grounds only:
  a. that the initial hearing body failed to observe the procedural requirements established by this Code;
  b. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known circumstances;
  c. that new evidence has appeared, that was not available at the time of the hearing, which could have substantially affected the initial decision.

NOTE: In cases of Greek affiliated Hearings and Appeal Processes, every effort will be made to ensure at least one member of each board is/was affiliated with a Greek community either at SUNY Potsdam or at his/her past college/university. While we work to ensure this occurrence, it is NOT an absolute and the hearing will proceed if there are no hearing officers or appellate board members with Greek affiliation available at the scheduled time.

C. SUNY Potsdam Sexual Misconduct Policy, Process and Procedures

SUNY Potsdam is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation will not be tolerated. Specifically, SUNY Potsdam strictly prohibits the offenses of domestic violence, dating violence, sexual assault, sexual harassment and stalking. These acts have a real effect on the lives of victims. They not only violate a person’s feelings of trust and safety, but they can also substantially interfere with a student’s education. It is the policy of SUNY Potsdam that, upon learning
CAMPUS POLICIES AND PROCEDURES

Sexual Misconduct Policy

that an act of sexual misconduct has taken place, immediate action will be taken to address the situation. This includes working with State and local law enforcement to bring possible criminal charges, seeking disciplinary action through the college/university, and enforcing mandatory transcript notifications so other institutions are on notice of the offense committed.

SUNY Potsdam encourages the reporting of sexual misconduct that is prompt and accurate. This allows the college/university community to quickly respond to allegations and offer immediate support to the victim. SUNY Potsdam is committed to protecting the privacy (and confidentiality when possible) of victims, and will work closely with students who wish to obtain confidential assistance regarding an incident of sexual misconduct. All allegations will be investigated promptly and thoroughly, and both the Victim and the accused will be afforded equitable rights during the investigative process.

It is the collective responsibility of all members of the SUNY Potsdam community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, the college/university engages in ongoing prevention and awareness education programs. All incoming students [and employees] are required to participate in these programs, and all members of the college/university community are required to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

Community expectations related to sexual relations:

• **Mutual Respect**: Sexual relations includes respecting your partner (their desires, boundaries, and body) and having open communication with the person(s) with whom you are engaging in sexual contact so that all involved are comfortable with the activity that may occur and understand the boundaries and needs of those involved.

• **Communication**: The College encourages students who choose to engage in sexual behavior to talk with each other clearly about what they want or do not want from sex prior to engaging in sexual activity. Open communication and listening includes understanding one’s own needs and desires, discussing these needs and desires with your partner(s), and, in general, creating open communication within the relationship however long the encounter or commitment. Verbal communication in sexual situations is almost always the clearest means to communicate. An environment based on open communication and listening promotes effective consent, which SUNY Potsdam considers integral to any responsible sexual relationship.

• **Cultural Awareness and Respect**: The SUNY Potsdam community is a multi-cultural educational environment where the customs and values of each individual are to be respected. Although the College’s standards regarding behavioral expectations and guidelines apply to all individuals, each person should recognize and respect the variations in the cultural expectations of others and demonstrate civility while engaging in open communication regarding sexual desires and boundaries.

**Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases**

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Potsdam 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 Potsdam 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 Potsdam officials or law enforcement will not be subject to SUNY Potsdam’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.
CAMPUS POLICIES AND PROCEDURES

Sexual Misconduct Policy

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

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal process free from pressures from the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institutional representatives as practical and not be required to unnecessarily repeat a description of the incident;
8. 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;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

Options in Brief:

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

• Receive resources, such as counseling and medical attention;
• Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, http://www.potsdam.edu/studentlife/safety/witnessform.cfm

Make a report to:

○ Title IX Coordinator & Affirmative Action Officer Stacey Basford: basforsl@potsdam.edu, Van Housen 392, (315) 267-2516: titleix@potsdam.edu

○ University Police: universitypolice@potsdam.edu, Van Housen Hall Extension, 315-267-2222, anonymously at http://www.potsdam.edu/studentlife/safety/incidentreporting/witnessform.cfm

○ Potsdam Village Police, Main Street, Potsdam, NY, 315-265-2121

○ Family Court: see campus Domestic Violence in the Workplace policy; http://www.potsdam.edu/offices/hr/upload/DomesticViolence.pdf
CAMPUS POLICIES AND PROCEDURES

Sexual Misconduct Policy

Sexual Violence Response Policy

In accordance with the Students’ Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

1) Reporting:

• To disclose **confidentially** the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services:
  ○ Anonymously via an internet http://www.potsdam.edu/studentlife/safety/witnessform.cfm;
  ○ Counseling Office Van Housen Ground Floor, 315-267-2330;
  ○ Student Health Services Van Housen Ground Floor, 315-267-2377; and
  ○ Campus Ministry, Barrington Student Union Room 221B, 315-267-2680, smithha@potsdam.edu

• To disclose **confidentially** the incident and obtain services from the New York State, New York City or county hotlines: http://www.opdv.ny.gov/help/dvhotlines.html. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: http://www.opdv.ny.gov/help/index.html (or by calling 1-800-942-6906), and assistance can also be obtained through:
  ○ SurvJustice: http://survjustice.org/our-services/civil-rights-complaints/;
  ○ Legal Momentum: https://www.legalmomentum.org/;

  ○ NYSCASA: http://nyscasa.org/responding;

  ○ NYSCADV: http://www.nyseadv.org/;

  ○ Pandora’s Project: http://www.pandys.org/lgbtsurvivors.html;

  ○ GLBTQ Domestic Violence Project: http://www.glbtqdvp.org/; and


  ○ Safe Horizons: http://www.safehorizon.org/.  (note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

• To disclose the incident to one of the following college officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide information contained in the Students’ Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator and Deputy Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

  ○ Title IX Coordinator & Affirmative Action Officer Stacey Basford: basforsl@potsdam.edu, Van Housen 392, (315) 267-2516 titleix@potsdam.edu
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○ University Police, Van Housen Hall ext., 315-267-2222 (24 hours a day); and
○ Wellness Advocates, Van Housen, 315-261-8873;
○ Coaches/Athletic Trainers
○ Center for Diversity
○ Faculty
○ Area Coordinators/Residence Hall Directors and Resident Assistants
  ▶ Lehman Hall
  ▶ Knowles Hall
  ▶ Bowman East
  ▶ Bowman South
  ▶ Bowman West
  ▶ Draime/Van Housen/Sisson/Townhouses

• To file a criminal complaint with University Police and/or with local law enforcement and/or state police:
  ○ University Police, Van Housen Ext. 315-267-2222
  ○ Potsdam Village Police, Main Street, Potsdam, NY, 315-265-2121
  ○ State police 24 hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.

• To receive assistance by Title IX Coordinator in initiating legal proceedings in family court or civil court.

• To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with SUNY Potsdam policy and the reporting individual’s identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, the incident can be reported using University Police’s anonymous reporting form found at:
  http://www.potsdam.edu/studentlife/safety/incidentreporting/witnessform.ctf
  ○ Title IX Coordinator & Affirmative Action Officer Stacey Basford: basforsl@potsdam.edu, Van Housen 392, (315) 267-2516 titleix@potsdam.edu

• When the accused is an employee, a reporting individual may also report the incident to the Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.
  ○ Human Resources Office, Raymond Hall 219; 315-267-4816

• You may withdraw your complaint or involvement from the SUNY Potsdam process at any time.

• Every college shall ensure that, at minimum, at the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: “You have the right to make a report to University Police, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

2) Resources:
To obtain effective intervention services.
• College Counseling Center, 131 Van Housen Hall, 315-267-2330. All services are available and free to registered students.
  ○ Wellness Advocates, Van Housen, 315-261-8873
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• Student Health Services; 315-267-2377; Van Housen Hall. Sexual contact can transmit Sexually Transmitted Infections (STI), HIV, Hepatitis B and C and may result in pregnancy. Testing for STIs and emergency contraception is available. Student Health Services does HIV testing for $8, gonorrhea/chlamydia testing for $5. And syphilis testing is free. Hepatitis B and C testing is usually billed to insure and is not free.

• Canton/Potsdam Hospital, Leroy Street, Potsdam, 315-265-3300
  ○Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at the hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims for health care and counseling services, including emergency funds. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: http://www.ovs.ny.gov/helpforcrimevictims.html.

• To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

3) Protection and Accommodations:

• The College can issue a “No Contact Order”, consistent with the college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy and subject to additional conduct charges; if accused and a protected individual observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. 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”.

○A “No Contact Order” is provided to both the accused student and victim. This order clearly states that neither party should be in contact by telephone, text message, twitter, instant message, skype, facebook, etc…, in person or through a third party (other than an attorney). Persons receiving a “No Contact Order” should also not find themselves in the general vicinity of one another.

• To have assistance from University Police or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.

• To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).

• To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.

• To have assistance from University Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of University Police or, if outside of the jurisdiction or University Police to call on and assist local law enforcement in effecting an arrest for violating such an order.

• When the accused is a student and presents a continuing threat to the health and safety of the community, the accused may be placed on interim suspension pending the outcome of a conduct process. 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.

• When the accused is not a student, but is a member of the college community, and presents a continuing threat to the health and safety of the community, the accused may be subject to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Potsdam policies and rules. The campus will promptly review existing interim measures at the request of the party who is affected by that interim measure. The parties can submit evidence to support their request.
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- When the accused is not a member of the college community, to have assistance from University Police or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. 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. While reporting individuals may request accommodations through any of the offices reference in this policy, the following can serve as a point to assist with these measures:

  ◊ Title IX Coordinator & Affirmative Action Officer Stacey Basford:
  basforsl@potsdam.edu, Van Housen 392, (315) 267-2516
titleix@potsdam.edu

4) Student Conduct Process:

- To request that student conduct charges be filed against the accused, conduct proceedings are governed by the procedures set forth in the Code of Student Rights, Responsibilities and Conduct:
  http://www.potsdam.edu/studentlife/studentconduct/upload/1415CodeOfConduct.pdf as well as federal and New York State law, including the due process provisions of the United states and New York State Constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
  ◊ The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
  ◊ The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
  ◊ The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
  ◊ The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
  ◊ The right to a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
  ◊ The right to offer evidence during an investigation and to review available relevant evidence in the case file or otherwise held by SUNY Potsdam.
  ◊ The right to present evidence and testimony at a hearing, where appropriate.
  ◊ The right to a range of options for providing testimony via alternative arrangements, including telephone/ videoconferencing or testifying with a room partition.
  ◊ The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
  ◊ The right to ask the decision maker questions, and to ask questions of other parties and any witnesses present through the decision maker.
  ◊ The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
  ◊ The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s), and the rationale for the decision and any sanctions.
○ The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.

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- Access to at least one level of appeal of determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

**Options for Confidentially Disclosing Sexual Violence**

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

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

**Privileged and Confidential Resources:**

Individuals who are confidential resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At SUNY Potsdam, this includes:

- SUNY Potsdam’s Counseling Services Center; 315-267-2330; http://potsdam.edu/studentlife/counseling/index.cfm
- Individuals serving in a pastoral role: Campus Ministry, Barrington Student Union room 221B, 315-267-2680, smithha@potsdam.edu
- SUNY Potsdam’s Student Health Services; VanHousen Hall; 315-267-2377
  http://www.potsdam.edu/studentlife/healthservices/index.cfm

Off-campus options to disclose sexual violence confidently include (note that these outside options do not provide any information to the campus):

- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency’s policies on confidentiality may be obtained directly from the agency.
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○ A trained advocate/volunteer at St. Lawrence Valley Renewal House, a local domestic violence/sexual assault agency (315-379-9845).
○ Canton-Potsdam Hospital, at 50 Leroy Street, Potsdam {315-265-3300}, ER open 24 hours. In Canton: 80 East Main St (M-F 4-9pm, Sat 9am-9pm, Sun 10am-6pm). (315-386-3300)
○ REACHOUT of St. Lawrence County for crisis intervention (315-265-2422)
○ Planned Parenthood of Canton (315-386-8821)

- Off-campus healthcare providers
  ○ Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: http://www.ovs.ny.gov/helpforcrimevictims.html.

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

Non-Professional Counselors and Advocates:
Non-professional counselors and advocates can also assist you without sharing information that could identify you. At SUNY Potsdam, this includes the Wellness Advocates, trained peer counselors; 315-261-8873. These individuals will report the nature, date, time, and general location of an incident to SUNY Potsdam’s Title IX Coordinator but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are considered confidential resources as discussed above.

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

Requesting Confidentiality: How SUNY Potsdam Will Weigh the Request and Respond:
If you disclose an incident to a SUNY Potsdam employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution’s request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several college offices, the following can serve as points of contact to assist with these measures: Title IX Coordinator and Affirmative Action Officer Stacey Basford, basforsl@potsdam.edu, Van Housen 392, (315) 267-2516; titleix@potsdam.edu. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless SUNY Potsdam’s failure to act does not adequately mitigate the risk of harm to you or other members of the SUNY Potsdam community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.
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When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, SUNY Potsdam will consider many factors to determine whether to proceed with an investigation despite that request. These factors include, but are not limited to:

• Whether the accused has a history of violent behavior or is a repeat offender;
• Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
• The increased risk that the accused will commit additional acts of violence;
• Whether the accused used a weapon or force;
• Whether the reporting individual is a minor; and
• Whether we possess other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

If SUNY Potsdam determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and SUNY Potsdam will take immediate action as necessary to protect and assist them.

Public Awareness/Advocacy Events:
If you disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, [applicable student organization or other event or forum], or other public event, the SUNY Potsdam is not obligated to begin an investigation. SUNY Potsdam may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure:
The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.
• New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

Institutional Crime Reporting:
Reports of certain crimes occurring in certain geographic locations will be included in the SUNY Potsdam Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor. Title IX Coordinator & Affirmative Action Officer Stacey Basford: basforsl@potsdam.edu, Van Housen 392, (315) 267-2516 : titleix@potsdam.edu

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

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

HEARING PROCESS

• Pre-hearing discussion by board members. Board members discuss the case to ensure that all written material is understood, to develop questions that should be asked, and to ensure that any procedural questions are answered. The Director of Student Conduct and Community Standards will work with the board during this time to clarify any procedural questions.

• Everyone involved in the hearing is invited into the room. This includes all witnesses.

• Digital recorder is turned on.

• Introductions. Chair asks each person to introduce him/herself, giving name and what their role is in the hearing (Individual bringing forth charges, Student charged, advisor, witness, etc.)
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• Explain use of the digital recording. A digital recording is made in order to be available for an appeal. An appeal may be made within 4 working days of receiving notification of the outcome of a hearing. The digital recording will be kept only for the length of the appeal period, except in cases of any form of separation from the institution.

• Query student charged as to the appropriateness of board members. If the student objects to the participation of any member of the board, ask for an explanation. The chair will then call a brief recess so that the board can consider the objection. The chair will rule on the objection and may (1) continue the hearing with the same board (2) adjourn the hearing and take steps to have a new hearing scheduled. The student will be asked to return to the room and the chair will announce the decision with the rationale recorded on record. If the objection is with the chair, the Director of Student Conduct and Community Standards will request an explanation and work with parties involved to determine whether to proceed or adjourn.

• Remind all parties of the following information:

  • Confidentiality of the hearing: It is expected that all information (testimony and written material) given in the hearing will remain confidential. Sharing information presented during the hearing may result in disciplinary action.

  • Role of the advisor to either party: Advisors are reminded that they may only speak with their advisee. If the advisor has a question, they must ask their advisee to address the board.

  • Presenting false information: It is a violation of College policy to present false information in a conduct hearing. Such a violation may lead to further disciplinary action.

• Chair reviews the format of the hearing.

  1. Both parties have the opportunity to make an opening statement.
  2. After each opening statement, witnesses will be asked to participate.
  3. At the appropriate time during the hearing, each party will have the chance to question the other and all witnesses.
  4. Board members may ask questions throughout the hearing.
  5. Both parties can make final statements.
  6. Finally, there will be a time for the board and either party to ask final questions to help everyone understand the incident.

• Witnesses are asked to leave the room. In most cases, witnesses are asked to wait outside the hearing room. They are called in individually to explain whatever information they might have regarding the incident.

• Response of the accused student to each charge. Read each charge, completely, as presented on the charge letter. Have the student state verbally into the recorder whether they are RESPONSIBLE or NOT RESPONSIBLE for the charge(s). For more than one charge, ask the student to respond to each charge individually. In the unlikely event that a student will not respond, record not responsible on the summary form.

• Opening statement made by College or victim. The statement should be relevant to the charges; then

  1. The board will ask questions.
  2. The student charged will ask questions.
  3. Additional questions may be asked.
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• Opening statement made by Student charged. The statement should be relevant to the charges.
  1. The board will ask questions.
  2. The student charged will ask questions.
  3. Additional questions may be asked.

• Witnesses for the College or Victim make statements. Each witness comes in individually.
  1. The board will ask questions.
  2. The student charged will ask questions.
  3. Additional questions may be asked.

• Witnesses for the Student charged make statements. Each witness comes in individually.
  1. The board will ask questions.
  2. The Student charged will ask questions.
  3. Additional questions may be asked.

• Final comments made by College or victim.

• Final comments made by Student charged.

• Final questions and discussion. This is a chance for everyone in the hearing to ask any final questions, which
  will add to everyone’s understanding of what happened in the incident and help the board to understand
  the organization’s perspective about the incident.

• Explain that the board will move into closed session to deliberate. At this point, the board will go into closed
  session to determine whether or not the student charged is responsible or not responsible for each of the
  charges and will determine sanctions if appropriate. The Hearing Board or Hearing Officer may request the
  Director of Student Conduct and Community Standards remain in the hearing area in case there are ques-
  tions of clarification. These decisions will be given to the Director of Student Conduct and Community
  Standards or designee, who will notify the student charged, in writing, of the board’s decision. If the Stu-
  dent is found responsible, he/she may appeal the board’s decision based on specific criteria that is defined
  later in this document.

• Turn off the digital recorder.

• All but board members leave the room.

Appeals

• An appeal of a decision from the initial hearing may be made by Director of Student Conduct and Community Standards or
  designee, or the student found responsible within four (4) school days of the decision except as the period may be extended by
  the Appellate Board. A Victim, if dissatisfied with the sanction(s) imposed, may request the Director of Student Conduct and
  Community Standards or designee to file an appeal, and such request shall not be unreasonably refused.

• Appeals may be filed by the Director of Student Conduct and Community Standards or designee on the following grounds
  only:
    1. that the initial hearing body failed to observe the procedural requirements established by this Code;
    2. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known cir-
       cumstances.
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3. An appeal may be filed by the responsible student or Victim on the following grounds only:
   a. that the initial hearing body failed to observe the procedural requirements established by this Code;
   b. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known circumstances;
   c. The new evidence has appeared, that was not available at the time of the hearing, which could have substantially affected the initial decision.

• The non-requesting party will receive notice of the appeal and may submit either his or her own appeal or a written response to the requesting party's appeal within 4 days, which the appeals board will consider together.

• The purpose of the appeal is not to rehear the underlying case; rather, it is to determine if there is sufficient information presented to allow a reconsideration of the Hearing Board's decision.

• The Director of Student Conduct and Community Standards will ask the Appellate Board to reconsider the case based on new information presented.

• The decision of the appeal board is final.

IX. ADMINISTRATIVE PROCESS

A. APPOINTMENT: All members of the Harassment and Sexual Misconduct Board, the Appellate Board, and all Hearing Officers shall be appointed by the Student Conduct Council.

1. The Student Conduct Council shall consist of the President of the College, the President of the Student Government Association, and the Chairperson of the Faculty Senate. The Affirmative Action Officer shall be an advisor to the Student Conduct Council and attend all meetings.

2. Unanimity of the Student Conduct Council is a desired goal, but a simple majority vote of the Student Conduct Council shall be adequate to appoint any candidate.

3. The Student Conduct Council will select Hearing Officers and Hearing Board members who are capable of adjudicating cases in a fair, knowledgeable, and impartial manner.

4. Hearing Officers and Board members will possess or receive the necessary education and training regarding the subject matter of cases he or she will be adjudicating.

B. VACANCY: All effort shall be made to ensure that vacancies shall be filled by the Student Conduct Council within twenty (20) days of the date of the actual vacancy.

C. HEARINGS: Hearings are prescribed by the Code and may be held before the following: Hearing Board or Hearing Officer.
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**Hearing Board** - This Board hears cases involving violations of this Code which are not referred to a Hearing Officer, or to the Harassment and Sexual Misconduct Hearing Board or Officer. This board shall consist of one student and two faculty or staff. Every effort will be taken to include at least one faculty member according to procedures outlined in Section X, A. The Hearing Board can impose any of the sanctions listed in Section VII or any combination thereof of this Code.

**Hearing Officer** - A Hearing Officer may be a member of the faculty or the staff of the College. The Director of Student Conduct and Community Standards shall choose from a list of hearing officers one officer to hear each case in which a Hearing Officer has been requested. The choice of Hearing Officer shall be made by the Director of Student Conduct and Community Standards. A Hearing Officer who is unable to be impartial for whatever reason shall disqualify himself or herself. Hearing Officers may impose any of the sanctions listed in Section VII or any combination thereof of this Code. For cases of Harassment and Sexual Misconduct there shall be hearing officers appointed by the Student Conduct Council.

**The Harassment and Sexual Misconduct Board** - This Board hears cases as set forth in IX (B). This Board shall consist of one student and two faculty or staff members. They may impose sanctions as set forth in Section VII. An alternate for each Board position shall be appointed by the same process.

**The Appellate Board** - This Board is empowered to hear all appeals. The Appellate Board may review a case, deny review, remand to the disciplinary body below with or without instructions to include the choice of Hearing Officer or Board should that option not have been originally available, and/or alter the sanctions imposed below.

The Appellate Board may not alter or reverse a disciplinary agency’s decision on any grounds other than those outlined in the “Appeals” section above. The burden of establishing that standard has been met rests on the party making the appeal. Further, the Appellate Board may not alter or reverse the decision of the disciplinary agency on any grounds other than that specifically cited as the basis of the appeal.

The Appellate Board shall consist of two students, two members of the faculty, and one staff member.

The Appellate Board can impose any of the sanctions set forth in Section VII, or any combination thereof of this Code.

**Administrative Agreement in Waiver of a Hearing** - Students found to be in violation of the Code of Student Conduct can have the case resolved through the Administrative Agreement in Waiver of a Hearing process (AA). An Administrative Agreement in Waiver of a Hearing would be completed only when there is acknowledgment of responsibility on the part of the student who has been charged and agreement that the sanction/s imposed is/are reasonable and fair. All parties, including the victim, must agree that the sanctions are reasonable and fair. Should the accused student not accept responsibility for the charges or accept the proposed sanction, the case will be referred to the Director of Student Conduct or designee. The case will then be heard by a Hearing Board or a Hearing Officer.
D. Resolving a Complaint by Mediation

1. The College encourages mediation whenever practical and appropriate. If the parties agree, the Office of Student Conduct and Community Standards may refer any disciplinary matter other than a reported act of academic dishonesty to the Campus Mediation Program or other resources for mediation.

2. It is within the sole discretion of the Director of Student Conduct and Community Standards to determine whether a disciplinary complaint is suitable for mediation. If mediation fails or new information comes to light about an unresolved matter than in mediation, the Director of Student Conduct and Community Standards may proceed with an investigation and the filing of disciplinary charges. The Director of Student Conduct and Community Standards may also set a date, after which it will begin to investigate the original complaint or file charges if a matter has not been successfully mediated.

3. If the Director of Student Conduct and Community Standards refers a complaint for mediation and both parties to the dispute agree to participate, the College Mediation Center will assign a trained mediator and advise the complainant(s) and respondent(s) in advance of the date, time, and place set for mediation. In order to resolve a disciplinary matter by mediation, both the complainant and the respondent must agree, first, to participate in the mediation and, second, to the proposed resolution.

4. If a student fails to comply with the terms of a mediation agreement, the Director of Student Conduct and Community Standards may take steps to enforce the agreement (including use of a Judicial Hold or the filing of new charges under the Code of Student Conduct) or may investigate the original complaint and bring disciplinary charges under this Code.

X. MISCELLANEOUS

A. Compliance with Other Laws: This Code shall be administered in compliance with the Family Rights and Privacy Act of 1974 and the Crime Awareness and Campus Security Act of 1990.

B. Survival Clause: If any part, or portion, or provision of this Code is determined to be unconstitutional or illegal, the remaining provisions of the Code shall remain in full force and effect.

Revised: June 2014

Sections of this Code, in part or in whole, come from the SUNY Cortland, SUNY Delhi and SUNY Oswego Code of Student Conduct and A 21st Century Model Student Conduct Code by Edward N. Stoner II and John Wesley Lowery. This was done with permission. Special thanks for the guidance received from those documents.
A Plain Language Explanation of Distinctions Between the New York State Penal Law and the College Disciplinary Processes

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<td>Public safety, deterrence, and punishment.</td>
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| Governing Law. | New York State Penal Code; New York State Rules of Criminal Procedure (or another state’s rules if the crime took place there), Federal Criminal Law, and Rules of Evidence. | Title IX; The Clery Act as amended by the Violence Against Women Act; NYS Education Law sections 129-A and 129-B. More specific rules govern particular colleges and universities. |

| How to report and whether there must be action once a report is made. | Crimes involving sexual violence may be reported to campus police (if the campus has police officers), the local police agency, or to the New York State Police. Certain crimes may also be reported to federal law enforcement agents. Once a report is made, the decision whether to investigate is made by the police/law enforcement agency, often in consultation with a District Attorney or other prosecuting agency. An investigation may be conducted without the consent or participation of a reporting individual. The ultimate decision of whether to initiate a criminal prosecution is initially made by a prosecutor. In cases involving felony charges, the final charging decision is made by a Grand Jury. | Victims may disclose sexual violence to various college employees who are designated confidential resources or to others who will try to ensure privacy to the extent consistent with the institution’s obligation to provide a safe educational environment. Disclosures made to a confidential resource will not trigger an investigation. When a report is made to the Title IX Coordinator (TIXC) or another Non-Confidential resource, the TIXC will determine whether an investigation is necessary by weighing a request for confidentiality by the reporting individual against the continuing safety of that person and the safety and best interests of the campus community. |

| Who investigates? | Police or other law enforcement officials. | Investigators employed or retained by the college or university; these individuals may work for different departments within the institution, including, but not limited to, the police/public safety department, student affairs and academic affairs. |

| Procedures | See Governing Law. Procedures established by police departments, prosecutors’ offices, etc. | College/University policies and Bylaws, which generally incorporate requirements of Governing Law. Collective bargaining agreements may impact some procedures. |

| Standard of Evidence. | Crimes must be proven “Beyond a Reasonable Doubt” | A violation of disciplinary rules must be found by a “Preponderance of the Evidence” (more likely than not) |

| Confidentiality. | Law enforcement agencies offer some confidential assistance, but a criminal charge and trial must be public. | Colleges and universities offer confidential resources, but a disciplinary proceeding requires that relevant information be shared with those involved. |

| Privacy. | Criminal trials must be public. | Disciplinary proceedings are kept as private as possible, but information must be shared with certain individuals within the college, the parties, and pursuant to law. |
| Who are the parties? | The prosecution and defendant. The victim/survivor is not a party, but often the critical witness for the prosecution. | Varies by school—some consider the institution and the respondent to be parties, and confer on the reporting individual certain rights to participate, as the law provides. Otherwise, reporting individual and accused/respondent. |
| Participation in the process. | In limited circumstances, a criminal prosecution can proceed without the participation or cooperation of the reporting individual, but without a reporting individual’s participation, it is generally more difficult to prove a crime beyond a reasonable doubt. | Reporting students cannot be required to participate in the college process. However, a college will be limited in its ability to respond if a reporting individual does not participate. |
| Who initiates the proceedings? | A prosecutor, acting on behalf of the state (or the United States in federal cases). | The college or university initiates proceedings. While rules vary from school to school, they must provide an active role for the reporting individual. |
| Testimony. | In a court, testimony is generally public. Other parties are, through counsel, entitled to cross-examine witnesses. | The rules are established by individual colleges and universities, but some institutions provide for alternative approaches that permit students to testify without having other parties in the room and/or to ask cross-examination questions only through the disciplinary panel, investigator, or representative of the reporting individual and/or respondent. |
| Role of attorneys. | Both the state and the defendant are represented by counsel; counsel may question witnesses. | Varies by school. Many permit the parties to be advised by attorneys but some limit the attorney’s roles to quietly speaking with their clients or passing notes. |
| Mental Health and Sexual History. | In New York, a reporting individual’s prior sexual and mental health history is generally, but not always, inadmissible in a criminal case. There are limited circumstances under which directly relevant evidence of that kind may be admitted. | Generally not admissible, but subject to quite limited exceptions. Education Law 129-b permits parties to exclude information about their prior sexual history with persons other than the other party and also to exclude evidence of their own mental health history in the fact finding phase of the disciplinary process. |
| Possible Results. | If a prosecution takes place, the defendant may plead guilty or “no contest” have the case dismissed by the judge (on legal grounds) be found “guilty” or “not guilty” by a judge or jury | In cases that do not involve sexual assault, some schools permit mediation or similar procedures if parties agree. If there is a formal proceeding, the respondent may be found “responsible” or “not responsible” for violations of the institution’s rules. Respondents may also accept responsibility before a finding by an adjudicator. |
| Sanctions. | An individual found guilty may be fined, imprisoned, or both. In some courts, alternative sanctions are sometimes used. | An individual found responsible for violating college policy may be given a range of sanctions (depending on the severity of the conduct and other factors, such as prior judicial history), ranging from a warning to suspension or expulsion from the institution. |
CAMPUS POLICIES AND PROCEDURES

Bias Response Team

Bias Incidents
SUNY Potsdam is a unique place to study, work and live. The college community is an environment where individuals can immerse themselves in a diverse, pluralistic society.

A bias incident is an act of intolerance which is committed against any person, group or property and which discriminates, stereotypes, harasses or excludes anyone based on: race, color, national origin/ancestry, religion, sex, age, disability, sexual orientation, gender identity/expression, genetic predisposition, status as a victim of domestic violence, veteran and National Guard status, marital status, pregnancy, political affiliation, or arrest/conviction record.

Bias-Motivated Incidents
• Include Criminal and Non-Criminal conduct
• Motivated by hatred, prejudice or bigotry

May be directed at: individuals, group of individuals, structured group, property, non-members who associate with or advocate on behalf of members of a structured group.

Bias-motivated action is not necessarily a hate crime
• Hate Speech
• Displaying offensive materials on one’s own property
• Distributing hate literature

Posting hate materials that do not cause property damage
(NYS Division of Criminal Justice Services (NYSDCJS) Crime Reporting Unit)

Reporting a Bias Incident
To further advance the principles in the Potsdam Pledge -- A Diverse Community celebrating our differences and learning from our diversity – the SUNY Potsdam Diversity and Inclusion Action Coalition (DIAC) Campus Climate, Outreach, and Bias Response subcommittee has created a Bias Incident Reporting Protocol and Form. This form is for the SUNY Potsdam community to report and respond to incidents of bias, as well as, to address issues of discrimination more effectively through educational programming and data collection to inform issues related to campus climate.

Please note: This form SIMPLY helps you to inform DIAC of what has happened and, if you wish, to ask for assistance. This form:
• Does NOT connect you to emergency or immediate help; appropriately.
• Is not a substitute for emergency services;

Will not report the incident to Student Conduct, University Police, or Village Police unless the committee finds the facts warrant investigation.

If you need immediate assistance or intervention, please contact University Police at (315) 267-2222.

For more information, and to access the Bias Incident Response Form, please visit: http://www.potsdam.edu/about/diversity/biasincident.cfm