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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 “Withdrew-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.
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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
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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.