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CAMPUS POLICIES AND PROCEDURES

Alcohol Regulations

I. Statement of Purpose

SUNY Potsdam recognizes that a responsible attitude towards the use of alcoholic beverages is a desirable goal and should be encouraged by College policy. These regulations are to act as guidelines to provide members of the College community with an opportunity to develop a realistic and reasoned approach to alcohol use. They presume adherence to New York State Law and respect for the rights of all others in the College community. It is important to note that college policy does not recognize misuse of alcoholic beverages as an excuse for misconduct of any kind.

The SUNY-Potsdam Alcohol Regulations apply to all members of the College community and their guests. They are in effect for all campus buildings and the College grounds. They are meant to provide a framework through which responsible use of alcohol is a prime objective.

II. State and Local Alcohol Regulations

A. New York State Law

New York State has taken major steps to deal with alcohol abuse. The penalties for “Driving While Ability Impaired” and “Driving While Intoxicated” have increased substantially (including fines, suspension or revocation of license, imprisonment.) The best advice: If you drink, don’t drive.

It is a crime in New York State to purchase alcoholic beverages for, or to give alcohol to, a person under 21 years of age. The legislature has passed several bills to substantially increase penalties for these offenses.

Effective December, 1985, the minimum legal age for purchase of alcoholic beverages became 21. The College must comply with State law.

Effective October, 1989, a person under the age of 21 who presents an altered New York State driver’s license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver’s license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver’s license following the suspension.

Effective November, 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation.

Effective January, 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with intent to consume the beverage. Alcoholic beverages involved in alleged violations of this law may be seized by authorized law enforcement officials.

B. Civil Liability

General Obligations Law of New York State Section 11-100 provides for civil liability against any person knowingly causing intoxication of a person under 21 years of age by furnishing alcoholic beverages to that person or by aiding such a person in procuring alcoholic beverages. Section 11-100 (Dram Act) provides for civil liability against any person selling or procuring alcoholic beverages for an intoxicated person regardless of age.

C. Village of Potsdam

It is a violation in the Village of Potsdam to possess an open container that contains or has contained alcoholic beverages on a street, in a parking lot, on a highway, on a sidewalk, in other public places or in a motor vehicle. This applies equally to the campus premises.

III. General Regulations

A. The College will not accept use of alcohol as an excuse for misconduct.

B. The violation of New York State law and the ordinances of the Village of Potsdam regarding the use and possession of alcohol is a violation of SUNY Potsdam regulations. New York State law regarding DWI and DWAI is applicable to all College property and the violation of same on College property constitutes a violation of these regulations.

C. Misconduct on College property resulting from the use of alcohol constitutes a violation of these regulations which may result in penalty as set forth in Article VI.

D. Possession of any alcoholic beverage by a person under the age of 21 is expressly forbidden.

E. Referrals of alcohol abusers to an appropriate campus program or to the St. Lawrence County Alcohol Referral Service may be a provision of any penalty or sanction for violation of these regulations.

CAMPUS POLICIES AND PROCEDURES

Alcohol Regulations

F. No vendor shall deliver, or cause to have delivered, alcoholic beverages to the campus except where such delivery is made to a College authorized representative or agent of a licensed vendor (i.e. PACES).

G. Any violation(s) of these regulations shall be dealt with in accordance with Article VI.

H. Alcoholic beverage restrictions are determined by the policy governing the type of area in which alcohol is to be involved (i.e. Thatcher Hall, residence hall room) rather than the type of event (i.e. party, function).

IV. Regulation of Alcoholic Functions

A. Campus-wide Regulations

1. Reasonable amounts of solid, substantial food and non-alcoholic beverages must be available.
2. Availability of alcoholic beverages in PACES leased facilities will be authorized by the Director of Dining Services, or designee, in consultation with the appropriate building administrator. The duration of alcohol service at an event will be determined by the vendor (PACES) as part of their responsibility as a license holder.
3. The College reserves the right to charge supervisory fees, cleaning and damage deposits for the use of College facilities. Fees are payable in advance.
4. Outdoor functions must be approved by the Director of Student Life Facilities.
5. The primary thrust of an activity should not be drinking alcoholic beverages. Advertising should promote a realistic activity and advertising will be limited to designated, controlled and appropriate places.
6. The number of persons attending a function is limited to the legal limit of the area.

B. Residence Hall Regulations - [See the section on Residence Hall Living](#)

V. Application Procedure

Sale and/or Service of Alcohol

The only group that may sell or serve alcohol on the College premises is PACES (by contract with the State University of New York). The only areas licensed for regular sale of alcoholic beverages are the Barrington Student Union, Thatcher Hall and the Student Union Patio. All other areas require that PACES purchase a one-day caterer's permit from the New York State Liquor Authority. The permit must be visible at the event and no event will be held without this permit. This requires a significant lead time (presently 8-10 weeks—please check with the catering office for current information.) The cost of this permit will be passed on to the sponsoring group. Failure to receive a permit may require the event to be moved to a licensed facility, if available. or suggestions for modification to these policies should be made to the Chief Student Affairs Office or designee.

VI. Enforcement Procedures

College groups and individuals not in compliance with this policy may be charged under the College disciplinary system.

VII. Policy Questions or Modifications

Questions or suggestions concerning the sale and/or service of alcohol on campus should be made to the Director of Dining Services. Questions concerning alcohol regulations or suggestions for modification to these policies should be made to the Chief Student Affairs Office or designee.

CAMPUS POLICIES AND PROCEDURES

Student Rights & Assembly Procedures

Policy on Student Rights & Assembly Procedures

1. Purpose

SUNY Potsdam (the “College”) seeks to encourage and preserve freedom of expression and inquiry within the entire college community. The College, as a public institution, serves uniquely as a marketplace for the exchange of ideas and opinions and as a forum for the public expression of views. Some of the expressions may be counter to commonly-held or popular values, theories, and beliefs. SUNY Potsdam has a special obligation to protect the First Amendment rights of free speech and assembly. These rights are guaranteed by the United States and New York Constitutions.

2. Scope

This policy is applicable to all SUNY Potsdam students as defined in the College’s Student Code of Conduct. The College’s “Use of Facilities by Third Parties for Free Speech” Policy applies to all third parties, who are not sponsored by the College and/or a recognized student group, who want to use the College’s designated public forum for free speech purposes.

3. Definitions

Public Area: Space designated by the College as open and not requiring a reservation for use.*

Assembly: A group of students gathering together in a public area for a common purpose. This includes, but is not limited to, activities such as protests, demonstrations, rallies, vigils, and picketing.

4. Rights of Students

A. SUNY Potsdam students are guaranteed the following rights:

- i. The right to examine and discuss all questions of interest to them, and to express opinion privately and publicly;
- ii. The right to learn in the spirit of free inquiry;
- iii. The right to be informed of the purposes of all research in which they are expected or encouraged to participate either as subject or researcher;
- iv. The right to freedom from censorship in campus newspapers and other media;
- v. That the right to freedom of speech, press, and inquiry shall not be interpreted as an authorization for a student, who sits on a committee, to disseminate or divulge any information that was given on a basis of confidentiality within a committee; and
- vi. The right to hold public meetings and to engage in peaceful, orderly assemblies and demonstrations.

5. Rights of the College

A. The College will not interfere with orderly assemblies in public areas of grounds and buildings unless participants engage in any of the following conduct:

- i. Prevent the orderly conduct of a College function or activity, such as classes, lectures, meetings, interviews, ceremonies, and other public events;
- ii. Obstruct the free movement of vehicles or of persons, including, but not limited to in any building or facility, inclusive of blocking hallways and doors;
- iii. Willfully cause injury or damage to persons or property;
- iv. Willfully operate audio amplification equipment in a manner that conflicts with normal College operations or that is deemed injurious to health and safety; **
- v. Jeopardize the safety and security of others;

* At the College, public areas are limited. These areas are often reserved for particular events and activities, but are otherwise open for general use by students. For information or questions about public areas, please contact Casey Nelson in the Campus Life Office, Student Union 208, nelsonca@potsdam.edu, 315-267-2013.

** Sound amplification that interferes with class activity, College events or activities, or that is in violation of village or other ordinances is not permitted.

CAMPUS POLICIES AND PROCEDURES

Student Rights & Assembly Procedures

- vi. Enter into any private office of an administrative officer, member of faculty, or staff member without implied or explicit permission;
 - vii. Without authorization from the Campus Life & University Police Offices, occupy a building after it is normally closed;
 - viii. Without authorization from the Campus Life and Physical Plant Offices, construct structures, inclusive of objects requiring penetration in concrete or grass, or camp on College grounds; or
 - ix. Violate the provisions of the SUNY Policy 3653, titled Rules for the Maintenance of Public Order.
- B. Violations of this policy could result in disciplinary action under the College's Student Code of Conduct.

6. Assembly Procedures

A. Statement

- i. SUNY Potsdam respects and supports students' efforts to exercise their rights to free speech and assembly. The Division of Student Affairs has designated the Office of Campus Life to provide the appropriate support for the successful implementation of these events. Following College procedure will ensure a safe and effective assembly activity. Every effort will be made by the College to respond affirmatively to all requests to engage in assembly activity. However, consideration must be given to the time, place, and manner of the assembly activity to ensure the health and safety of the participants and the non-interference with authorized College business, activities, or events.

B. Services

- i. To help ensure the safety of participants and the protection of the rights of all members of the campus community, the College can provide services such as location, safety, crowd control, sound equipment (unless prohibited in certain areas as per College rules), site preparation/cleanup, and/or other such facilities or services it deems necessary ("Services").

C. Request for Services

- i. Assemblies for which Services are necessary (see paragraph (ii) below) should, within two (2) business days prior to the planned event, submit a written Request for Services, as follows:
 - 1. The written request should contain the name of the sponsor/organizer, the proposed location and any other Services sought, the date and time of the planned assembly, and the number of persons expected to participate.
 - 2. The request should be submitted to: Casey Nelson in the Campus Life Office, Student Union 208, nelsonca@potsdam.edu, 315-267-2013 .
- ii. Due to limited space at the College, when it is anticipated that participants for a particular assembly will equal or exceed ten (10) students, the sponsor/organizer must submit a Request for Services.
- iii. A professional staff member from Campus Life will promptly respond to the request for Services after receipt of the written request and prior to the date of the assembly.
- iv. A professional staff member will review the request and work with the sponsor/organizer to accommodate requests and determine a reasonable time, place, and manner for the assembly activity.
- v. While every attempt will be made to accommodate all requests, some modifications to the assembly activity request may be required due to the availability of the proposed time and place of the activity. A Campus Life professional staff member will inform you of these modifications and guide you as you plan your assembly activity.
- vi. In the event that the proposed assembly activity is planned in direct response to a current event, the Office of Campus Life realizes that it may not be possible to submit a request in advance. In such cases, the event organizer should connect as soon as possible with a liaison in the Office of Campus Life in order to swiftly coordinate the assembly activity.

CAMPUS POLICIES AND PROCEDURES

Student Rights & Assembly Procedures

D. No Services Required

- i. Assemblies requiring no Services (when it is anticipated that participants will not exceed ten (10) students) may take place without any prior notification by the sponsors and/or organizers. However, conformity with the specific campus rules noted above, is required. If you are unsure of whether your assembly requires Services, you are encouraged to contact the appropriate office designated in subparagraph (c)(2) above for guidance.

Approved by SUNY Potsdam College Council—10/7/16

Campus Posting Policy

Individuals and groups are welcome to post advertising materials on the SUNY-Potsdam campus. Materials not in compliance will be removed without notification. The following are in effect for all areas of all campus buildings.

A. Content

- Materials shall be appropriate for a college campus and shall not advertise activities or events which are illegal.
- Materials shall include the sponsor of an activity or event as well as a specific date and time for the activity.

B. Placement of Materials

- Materials shall be posted on bulletin boards which are designated for that type of material. They shall not be posted on doors, windows or walls. The exception to this policy are notices dealing with college designated emergencies.
- Only one poster per activity may be placed on any one bulletin board.
- Posters may not exceed 14" x 22" (half of a regular poster board) due to limited space. Exceptions may be made by individual building administrators.

C. Administration of Posting Policy

- The administration of this policy shall be the responsibility of the Director of Student Life Facilities. Those using college posting space and individual building administrators should contact this person with questions & problems related to this policy.
- All decisions regarding posting of materials on campus may be appealed. The Appeals Board shall include a designated administrator from the Office of Residence Life (selected by the Director of Residence Life), the Dean of Students, one resident member of the Student Assembly (selected by the Student Assembly), one non-resident member of the Student Assembly (selected by the Student Assembly), one student appointed at large by the SGA Executive Committee. Decisions on appeals must be made within 5 business days.

D. Sanctions

- Individuals or groups who do not comply with these guidelines or who, without authorization, remove materials placed by other individuals or groups may be denied access to the campus for posting of materials and may be subject to disciplinary action.

E. Banners

- Banners should be attached to the tack strip on the balcony railing and may not exceed 6' in height. Banners are limited to on-campus sponsored activities only. Advertising materials should be appropriate for a college campus. Advertising materials shall not refer to the availability of alcoholic beverages (price, quantity, brand, type, specials, etc.). All banners should include the date of the event and the sponsoring organization. Individuals or groups who do not comply with these guidelines or who, without authorization, remove materials placed by other individuals or groups, will be subject to disciplinary action. All banners must meet New York State Fire Code.

F. College responsibility

- It shall be the responsibility of the Assistant Vice President for Facilities to convene a meeting of all building administrators to fully explain the Campus Posting Policy.
- It shall be the responsibility of a designee of the Assistant Vice President for Facilities to meet with all maintenance supervisors to fully explain the Campus Posting Policy and to require their participation in removing of inappropriate or outdated materials.
- It shall be the responsibility of the Director of Residence Life (or designee) to include appropriate training of Resident Assistants as relates to this policy in the Residence Halls.

CAMPUS POLICIES AND PROCEDURES

SUNY Health Requirements

All matriculated students taking 12 or more credit hours are required to have health insurance coverage. See the SUNY Potsdam Insurance Plan webpage for further details: <http://www.potsdam.edu/studentlife/healthservices/insuranceplan>

In addition, Student Health Services (SHS) must ensure all new, readmitted, and transfer students meet state and local health requirements. The **required** health forms should be submitted by **August 15th** for the fall semester and **January 15th** for the spring semester.

Step 1- Complete the Online Health Forms

Access the online forms by following these instructions:

- °Log into BearPAWS
- °Open the 'New Student Services' link
- °On the 'Home Screen', click on 'Forms'

Complete the Health Information Form, Meningitis Response Form, and the Tuberculosis Questionnaire.

Step 2- Mail or Fax Proof of Immunity to Measles, Mumps, and Rubella

- °We may have your records already if they have been entered into the NYS Immunization Registry (NYSIIS). You can call 315-267-2377 to confirm that we have received your record through the Electronic Medical Record interface with NYSIIS.

OR

- °Send a copy of your immunization record to:

**SUNY Potsdam SHS
44 Pierrepoint Ave.
Potsdam, NY 13676**

OR

- °Fax a copy of your immunization record to 315-267-3260

OR

- °Email a copy to shs@potsdam.edu

Health Information Form

This form asks you questions about your medical history, medications, allergies, and surgeries. The information you submit is kept in our confidential electronic medical record and is only accessible to the staff at SHS.

Meningitis Response Form

Submission of a Meningitis Response Form is required by New York State law. Please note that the law does not require you to have a meningitis vaccine. Although if you state that you have had the vaccine, you are required to submit proof that you have had the meningitis vaccine within the past 5 years.

Tuberculosis Questionnaire

The US Center for Disease Control and Prevention recommends college student answer a series of questions to screen for tuberculosis risk. Using this method, only 'high risk' students will need actual testing for tuberculosis. If you are required to have further testing for tuberculosis, it must be completed **BEFORE ARRIVING ON CAMPUS!**

Make an appointment with your medical provider and have them fill out the printable version of the [Tuberculosis Testing Form](#).

CAMPUS POLICIES AND PROCEDURES

Health Insurance Requirement

All domestic, matriculated, SUNY Potsdam students taking 12 or more credit hours are required to have health insurance coverage.

Students without health insurance:

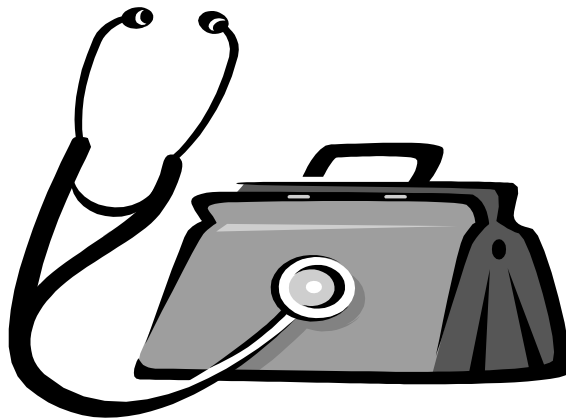
°Contact Health Initiative at 315-261-4760 ext. 237, email: Navigators@gethealthyslc.org, or visit the website: www.gethealthyslc.org. Health Initiative is located at 6439 State Highway 56, Potsdam, NY 13676

°**SUNY Potsdam Insurance Policy:** there is an insurance already added to your bill that you can enroll in. See the SUNY Potsdam Insurance Plan webpage for further details.

Students with Health Insurance:

Need to submit a health insurance waiver online each semester!

- °Log into BearPAWS.
- °BearPAWS>New Student Services>SUNY Potsdam Insurance Plan Waiver Link
- °Clicking the waiver link will take you to the United Healthcare website where you will be asked to submit information from your health insurance card so have it available.
- °You will be notified by United Healthcare whether or not your waiver is approved within a week. If the waiver is approved, the SPIP premium will be removed from your student bill 1-2 business days after that.
- °If you have any technical problems with the waiver process, contact Haylor, Freyer, & Coon's college division @ 800-289-1501 ext 2384 or SHS at 315-267-02377.



CAMPUS POLICIES AND PROCEDURES

Parking Regulations

All vehicles must be registered with University Police. Vehicle registration is done online through BearPaws.

Any student who receives a parking ticket can pay the fine in person at the University Police Department, which is located in Van Housen Ext. or pay online. The fine for a parking ticket is \$15. Illegal parking in a handicapped space will result in a fine of \$50. Parking in a fire lane, loading dock or bus stop will result in a fine of \$30.

Campus Parking Regulations are as follows (§567.3):

- A.** No person shall park a vehicle in any area except one specifically designated for the type of parking permit issued and displayed. Parking areas are designated on the official campus map. Copies of the map are available at the University Police Department.
- B.** Parking or standing in posted, restricted or reserved areas on campus streets or roads and in parking lots is prohibited. Parking or standing on lawns and in driveways is likewise prohibited as is the blocking of walkways or cross-walks.
- C.** No person shall park a vehicle on the premises of the college in such a manner as to interfere with the use of a fire hydrant, fire lane or other emergency zone, create any hazard or unreasonably interfere with the free and proper use of a roadway or pedestrian way.
- D.** Permission to park or stand in unauthorized areas to load or unload materials necessary to the college function must be obtained from the University Police Department.
- E.** No person shall park a vehicle in such a way that it is not completely in a lot, or to block an entrance or exit, driveway or any other vehicles in a lot or so as to prevent access to a parking space.
- F.** Overnight parking is restricted to parking lots 6, 17, 18, 19, 22, 23, 24, 25, 25A, 26, 27, 31 and 32. Vehicles parked in lots other than the above between 2:00 a.m. and 6:00 a.m. are in violation of these regulations.
- G.** Storage of motor vehicles which are inoperative or without valid state registration in campus lots is prohibited.
- H.** Operators of disabled motor vehicles shall notify the University Police Department when it is necessary to leave the vehicle in an unauthorized area.
- I.** Special parking designation may be granted for extraordinary circumstances upon written request from a building administrator after consultation with and the

approval of both the Chief of University Police and the Parking Advisory Committee.

J. Visitors to campus may park in the following lots: 1, 2, 6, 9, 10, 14, 17, 18, 19, 20, 22, 23, 24, 25, 25A, 26, 27, 28, 30, 31 and 32. **Veterans Only** parking spaces (thank you for your service) are located in Lots 1, 6 and 30.

K. Visitors who wish to park on campus must obtain temporary parking permits. Permits are available at the University Police Department and selected campus offices as designated by the Chief of University Police.

L. Accessible parking spaces will be used by hand-capped persons only. An individual with a physical disability may be issued an accessible decal following his or her written application to the Chief of Police. The application must be supported by a physician's written statement certifying such need. The State University of New York, College at Potsdam will also honor an accessible person's status officially designated by any other appropriate governmental agency and indicated as such by authorized accessible symbol on the vehicle.

M. Any motor vehicle which is parked in violation of these regulations may be ticketed and/or towed from campus at the owner's expense.

N. Parking regulations may be suspended for special events at the discretion of the Chief of University Police (or designee.)

A complete copy of the campus Traffic and Parking Regulations can be obtained from the University Police Department, Van Housen Hall Ext.-1st Floor



CAMPUS POLICIES AND PROCEDURES

Recycling Program

Recycling not only reduces waste and landfill fees, it also lowers energy, water and primary raw material requirements. SUNY Potsdam will continue to recycle solid waste such as paper, plastic, metal and glass products and assess the feasibility of recycling other solid waste as well.

Recyclable Materials

Paper: Computer and office paper, newspapers & inserts, catalogs, "junk mail", books & publications including phone books and paperbacks, paper grocery bags, cereal boxes and other food boxes.

Plastic: "Pourable" plastic bottles and jugs. Recycle all containers with a 1, 2, or 3 recycling number on the container.

Metal: "Tin" food cans, aluminum cans, foil & pans, aerosol spray cans (spent), bottle and jar caps and lids, small metal items.

Glass: Bottles & jars, clear, green, and brown.



Where do I take my recyclables?

There are large recycling containers for paper, plastic, metal and glass on each dormitory floor. Each student room in the Residence Halls at SUNY Potsdam has been supplied with a recycling container to collect recyclable materials.

When your student room container is full, simply empty it into the larger container on the floor. The custodial staff will pick up recycled paper (blue containers) in the academic buildings.

How to recycle

Rinse away all residue. Remove and recycle metal caps/lids. It is not necessary to remove labels or metal or plastic rings. Crush large cans, plastic bottles and jugs to the best of your ability. **DO NOT** crush glass bottles or jars. Remove all plastic and metal items from paper recyclables (except staples & envelope windows). Flatten all non-corrugated boxes. Place all corrugated boxes next to paper recycling container. Place all paper, glass, metal and plastic in the appropriate recycling containers.

Non-Recyclable Items

Items containing any liquid or solid residue, window and plate glass, mirrors, light bulbs, plastic bags/wrap/etc., heat resistant ovenware/ceramic dishes/ clay pots/etc., foam cups, foam trays, packing peanuts, **Sharps** (needles, syringes, razors). *See Special Disposal Procedures below.

*Special Disposal Procedures: To protect our employees, please place sharps in a puncture-resistant container (capped detergent bottle), label it "Needles" or "Sharps" and place in clear plastic bag with rest of trash.

Sales on Campus

Generally, SUNY does not permit commercial sales on campus (including residence halls) by businesses, staff or students. There are some limited items which may be permitted as "cultural events" if they are sponsored by a campus based organization. These are items which are determined to be craft items and are sold by the craftsperson who created them. Most items, however, are either under contract to our auxiliary service corporation or would present unfair competition to local business.

The SUNY policy states, "No authorization will be given to private commercial enterprises to operate on State University campuses or in facilities furnished by the University other than to provide for food, campus bookstore, laundry, dry

cleaning, barber and beautician services, and cultural events. This shall not apply to Faculty-Student Corporation (PACES) activities approved by the University."

The fact that SUNY-Potsdam is a public university does not permit individuals or businesses to operate a commercial enterprise on campus, nor does it permit individuals or businesses free access to campus buildings. Additionally, no such commercial activity may occur in the residence halls (as confirmed by the Supreme Court of the United States). Advertisers must comply with the campus posting policy.

- *Student Conduct Office*
- *The Potsdam Pledge*
- *Introduction*
- *Definitions*
- *Prohibited Conduct*
- *Student Conduct Procedures*
- *Cases of Sexual Misconduct*
- *Student Conduct Appeals*
- *Appointment of Student Conduct Hearing & Appeal Boards*

CAMPUS POLICIES AND PROCEDURES

Student Code of Conduct

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

Introduction—Community Rights and Responsibilities

Community Rights and Responsibilities is the official code of conduct outlining behavioral expectations for State University of New York College at Potsdam (“SUNY Potsdam” or the “College”) students. The College has developed this code of standards and expectations, consistent with its purpose as an educational institution and requires that each student accept responsibility for his or her own behavior and consequences. These regulations and the procedures for their enforcement apply to all student conduct and behavior. Once a student is accepted as a member of the College community, they are responsible to uphold the standards outlined in this document. As such, students should be familiar with this document. These specific regulations should not be viewed as a comprehensive code of desirable conduct; rather they describe the minimum standards.

The Office of Student Conduct and Community Standards (“Student Conduct Office”) 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, social responsibility, academic integrity, inclusivity, and other quality of life issues. It is the goal of the office through coordination of the Student Conduct System (“Student Conduct System”), to help students learn to think proactively about their own behavior and its effect on others. More information can be found at <http://www.potsdam.edu/studentlife/studentconduct>

It should be understood that all rules of the Board of Trustees of SUNY, and all local, state and federal laws apply on the SUNY Potsdam campus. The State of New York laws include, but are not limited to, the New York State Penal Law, the New York State Vehicle and Traffic Law, the New York State Education Law, and the Alcohol Beverage Control Law. Violations of these regulations may result in a referral to the Student Conduct System. In such cases, the College may commence the Student Conduct System procedure independent of criminal or civil court proceedings.

1. Philosophical Approach to Standards of Conduct

Because disciplinary actions must be commensurate with the seriousness of the offense and the total conduct record of the student, each case is determined on its own merits. Student conduct procedures and subsequent disciplinary outcomes are designed to find a balance between the interests of the individual student and the community.

2. Jurisdiction of the College’s Code of Conduct

The student code of conduct shall apply to conduct that occurs on College premises, at College sponsored activities and to off-campus conduct that adversely affects the College community, the pursuit of its objectives, or neighboring communities. A student may be charged with violating local, state and federal laws and the campus code of conduct as the student is subject to the rules of multiple jurisdictions, including the State and the College.

3. Inherent Authority for the Student Disciplinary Program

Section 356 of the Education Law empowers the University Council of each State-operated campus of State University of New York to make regulations governing the conduct of students, subject to the general management, supervision, control and approval of the Board of Trustees of the State University of New York. All programs for student welfare and conduct are entrusted to and administered by the SUNY Potsdam President on behalf of the College Council.

The President has delegated administration of programs for student welfare and conduct to the Chief Student Affairs Officer. Enforcement of standards of conduct, College regulations, recommendations for new policies, or modification of policies or regulations affecting student welfare and conduct are initiated through the Chief Student Affairs Officer. The Chief Student Affairs Officer has jurisdiction over the Student Conduct System.

In addition to *Community Rights and Responsibilities*, the rules, regulations, and procedures for *The Maintenance of Public Order* on campuses of the State University of New York, adopted by the Board of Trustees, are in effect at SUNY Potsdam. (See Rules for the Maintenance of Public Order: http://www.suny.edu/sunypp/documents.cfm?doc_id=351.)

CAMPUS POLICIES AND PROCEDURES

Definitions

1. **“Accused”** shall mean a person accused of a violation who has not yet entered an Institution's judicial or conduct process.
2. **“Affirmative Consent”** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
 - a. 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, and a reasonable person knows or should have known that such person is incapacitated. Incapacitation 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.
3. **“Appeal Board”** means any person or persons authorized by the Chief Student Affairs Officer to consider an appeal. This body shall consist of two students and three members of the faculty and staff. Every effort will be taken to include at least one faculty member. The Appeal Board can impose any of the sanctions set forth in Section 6, or any combination thereof, of this Code. Decisions will be made by a simple majority of the Board.
4. **“Banned Organization”** means 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.
5. **“Bystander”** shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.
6. **“College”** means the State University of New York College at Potsdam.
7. **“College Official”** includes any person employed by the College, performing assigned administrative or professional responsibilities.
8. **“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.
9. **“Course of Conduct”** is defined as a pattern of actions composed of two or more acts over a period of time.
10. **“Director of Student Conduct & Community Standards”** means the person designated by the Chief Student Affairs Officer to administer *Community Rights and Responsibilities*.
11. **“Chief Student Affairs Officer”** means the Chief Student Affairs Officer, or designee, who, as the President’s designee, is responsible for the administration of *Community Rights and Responsibilities*.

CAMPUS POLICIES AND PROCEDURES

Definitions

12. “**Faculty Member**” means any person hired by the College to conduct classroom and/or research activities.
13. “**Greek Organization**” means a group that identifies as a fraternity or sorority and/or uses a new member education process (pledging, training, probationary members, etc.).
14. “**May**” is used in the permissive sense.
15. “**Member of the College Community**” includes any person who is a student, faculty member, College official or any other person employed by or contracted with the College. A person’s status in a particular situation shall be determined by the Chief Student Affairs Officer.
16. “**Organization**” means any 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, and academic honor society, an ensemble through a department, etc.
17. “**Policy**” is defined as the written regulations of the College as found in, but not limited to, *Community Rights and Responsibilities*, Residence Hall License Agreement, and the Graduate and Undergraduate Catalogs.
18. “**Proceedings**” refers to the activities related to an institutional disciplinary complaint, including but not limited to, fact-finding investigations, formal or informal meetings, hearings, and appeals.
19. “**Reasonable Person**” refers to a hypothetical person who exercises average care, skill and judgment in conduct and who serves as a comparative standard.
20. “**Referring Party**” shall mean a person who files a Student Conduct Referral against a student for an alleged violation of the *Community Rights and Responsibilities*.
21. “**Reporting Individual**” shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report that they have personally experienced a violation.
22. “**Respondent/Referred Party**” shall mean a person accused of a violation of the *Community Rights and Responsibilities* who has entered an Institution’s judicial or conduct process.
23. “**Results**” means any initial, interim, and final decision by any College official or entity authorized to resolve disciplinary matters within the institution.
24. “**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): (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (C) the penetration, however slight, of the anal or genital opening of another by a 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 (D) 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, harass, degrade, or arouse or gratify the sexual desire of any person; (3) 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.
25. “**Sexual Misconduct**” is sexual harassment or sexual violence and encompasses a wide range of behavior for sexual purposes that is against another’s will or at the expense of another. Sexual misconduct includes, but is not limited to sexual assault, intimate partner violence, stalking of a sexual nature, or any conduct of a sexual nature that is nonconsensual, or has the effect of threatening or intimidating another.

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26. “**Shall**” is used in the imperative sense.
27. “**Student**” is defined as: persons registered for courses, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking students; individuals who confirm their intent to enroll in programs; those attending orientation sessions; between academic terms; taking online classes; auditing classes; residing in the residence halls; those that were enrolled on the date of an alleged incident; persons who are active but not enrolled at the College.
28. “**Student Conduct Administrator**” means any College official appointed by the Chief Student Affairs Officer to resolve student conduct referrals in lieu of a hearing or to review appeals.
29. “**Student Conduct Hearing Board**” refers to the authorized persons who hear all student conduct referrals, including alleged violations of academic dishonesty. This body shall consist of one student and two faculty and staff. Every effort will be made to include at least one faculty. The Hearing Board can impose any of the sanctions set forth in Section 6, or any combination thereof, of this Code. Decisions will be made by a simple majority.
30. “**Student Conduct Referral**” means the College Student Conduct System Standard Case Form that includes a description of alleged misconduct and specific *Community Rights and Responsibilities* code violations.
31. “**Student Conduct System**” means the program established to maintain the integrity of the values of the College community by reviewing alleged violations of *Community Rights and Responsibilities*.
32. “**Title IX Coordinator**” shall mean the Title IX Coordinator and/or his or her designee or designees.
33. “**Unrecognized Organization**” means persons enrolled as students at the College who are associated with each other and who are not recognized as a collective grouping by a college entity or by Student Government Association. Unrecognized organizations are not permitted to participate, as an organization, in SUNY Potsdam sponsored activities.

Prohibited Conduct

The behaviors listed in this section violate the College’s student code of conduct. This list is not exhaustive, but is intended to describe general types of behavior that may result in disciplinary action. These codes apply both to student behavior, which occurs on campus or at College sponsored events as well as those occurring off-campus. Prohibited behavior includes not only completed actions, but also attempted violations of the student code of conduct.

A student who withdraws from the College shall not be exempt from disciplinary proceedings for behavioral infractions, which took place prior to withdrawal. Campus disciplinary procedures shall be followed with the accused student receiving due notice of hearing. Any resulting sanction of suspension or dismissal will be notated on the undergraduate or graduate academic transcript, as well as the student’s conduct record.

1. Fire Safety

- A. Causing or creating a fire, regardless of intent (except as authorized for use in class, or in connection with University-sponsored research or other approved activities).
- B. Tampering with safety measures or devices, including but not limited to, alarm systems, fire extinguishers, exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior doors, etc.
- C. Failing to conform to safety regulations, including but not limited to, falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the fire alarm system.

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Prohibited Conduct

2. Weapons and Dangerous Objects

Possessing or using any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, switchblade knives, knives with blades five or more inches in length, explosives, fireworks or dangerous chemicals (except as authorized for use in class, or in connection with College-sponsored research or other approved activities). The term firearms include pellet guns, air guns, rifles, shotguns, handguns, paint ball guns, pellets, ammunition, multiple firing weapons and any weapon capable of firing a shot.

NOTE: Possession of any rifle, shotgun or firearm in or upon any building or grounds of the College is also a crime under New York state law without written authorization from the President. Any person doing so without authorization is subject to arrest and incarceration in addition to any penalty that may be assessed through the University's Student Conduct System.

3. Threatening or Abusive Behavior

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

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

4. Harassment

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

- A. directing unwanted physical or verbal conduct at an individual based on one or more of that person's protected characteristics or status, including age, color, race, disability, marital status, national/ethnic origin, religion, veteran's status, sex [including pregnancy], gender expression or gender identity, sexual orientation, political activities or genetic information; or
- B. subjecting a person or group of persons to unwanted physical contact or threat of such; or
- C. engaging in a course of conduct, including following the person without proper authority (e.g., stalking), under circumstances which would cause a reasonable person to fear for his or her safety or the safety of others or to suffer emotional distress.

5. Intimate Partner Violence

Intimate Partner Violence includes Dating Violence and Domestic Violence, both of which are further defined below. Intimate Partner Violence can occur in relationships of the same or different genders.

Dating Violence –Any act of violence, including physical, sexual, psychological, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating Violence can occur as a single act, or it can consist of a pattern of violent, abusive, or coercive acts that serve to exercise power and control in the context of a romantic or intimate relationship. 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 the 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.

Domestic Violence –Any violent felony, non-violent felony, or misdemeanor crime, as those terms are defined by the laws of the State of New York and of the federal government committed by a current or former spouse or intimate partner of the vic-

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tim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

6. Stalking

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. Stalking does not require direct contact between parties and can be accomplished in many ways, including through the use of electronic media such as internet, pagers, cell phones, or other similar devices.

7. Endangerment

Acting to create or contribute to dangerous or unsafe environments anywhere on or off-campus. Reckless or intentional acts, which endanger, or put at risk, the welfare of oneself or others are prohibited.

8. Sexual Harassment - Unwelcome, verbal, nonverbal, 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 College's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation.

9. Rape, Sexual Assault and Sexual Exploitation

Sexual Assault I— sexual intercourse or any sexual penetration, however slight, of another person's oral, anal, or genital opening with any object (an object includes but is not limited to parts of a person's body) without the active consent of the victim.

Sexual Assault II—touching a person's intimate parts (defined as genitalia, groin, breast, or buttocks), whether directly or through clothing, without the active consent of the victim. Sexual Assault II also includes forcing an unwilling person to touch another's intimate parts.

Sexual Exploitation—Nonconsensual, abusive sexual behavior that does not otherwise constitute Sexual Assault I, Sexual Assault II or Sexual Harassment. Examples include but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and Sexually Transmitted Infection ("STI") prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party; nonconsensual video or audio taping of sexual activity; allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; and inducing incapacitation with the intent to sexually assault another person.

10. Hazing

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.)

11. Academic Dishonesty

Conduct including, but not limited to, plagiarism, cheating, multiple submission, forgery, sabotage, unauthorized collaboration, falsification, bribery or use of purchased research service reports without appropriate notation; and theft, damage or misuse of library or computer resources. Attempts to commit such acts shall also constitute academic dishonesty. Students assume full

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responsibility for honesty in academic exercises.

(Students should be warned that if found in-violation of academic dishonesty they may be subject to two types of sanctions. If the instructor is convinced that the student has been dishonest, he or she may administer an academic penalty. The student who disagrees with the judgment or penalty may appeal through established academic appeal procedures. Consult the appropriate department chair, school dean, or academic catalogs for details. At the same time, the student may be subject to the proceedings and sanctions of the Student Conduct System outlined in *Community Rights and Responsibilities*.)

12. Forgery, Fraud, Dishonesty

Altering or misusing documents, records, stored data or instrument of identification, or furnishing false information to any College, local, state or federal official.

13. Property Damage

Removing, destroying or damaging College property, or property under College administration or supervision.
Destroying or damaging the property of others, on or off-campus.

14. Theft

Stealing property and/or services; possessing stolen property.

15. Unauthorized Entry or Use

Entering or using facilities or property on or off-campus, belonging to individuals, College -recognized groups and/or corporate entities without proper authorization.

16. Drugs

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

17. Alcohol

Consistent with New York State Law, individuals under the age of 21 years are prohibited from using, possessing, or distributing alcoholic beverages. Individuals over the age of 21 may use and possess alcohol as permitted by the law and College regulations. Open containers and public intoxication are prohibited. Students who are irresponsible in their use of alcohol or who provide alcohol to minors will be subject to this code regardless of the student's age. This applies to both on campus and off-campus behavior.

18. Obstruction or Disruption

Any obstructing or disruption of College activities. Such activities include, but are not limited to, teaching, research, administration, disciplinary procedures, or other authorized activities including public service functions. It can include participation in campus demonstrations which disrupt the normal operations of the College and infringes on the rights of other members of the College community by leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.

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19. Student Group Violations

Students are expected to know and abide by the regulations governing their membership in a student organization (e.g. SGA recognized groups, Campus Life recognized groups, Greek Organizations, etc.). All violations of College policy and the law by officers/members of student groups/ organizations will be adjudicated through the Student Conduct System including both individual and organizational violations.

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 such organization. In addition, residing in facilities that are owned or controlled by a banned organization is considered affiliation.

20. Compliance

Failing to comply with the directions of an authorized local, state, federal or College official acting in the performance of his or her duties, or any other person responsible for a facility or registered function acting in accordance with those responsibilities.

21. Parking and Motor Vehicle Violations

Violating College policies and regulations governing the possession or use of motor vehicles on campus. College parking regulations are available at <http://www.potsdam.edu/studentlife/safety/parking>. University Police has the ability to fine or withdraw the right to use a vehicle on campus in addition to or in lieu of sanctions imposed through the campus Student Conduct System.

22. Smoking/Tobacco Use

Smoking is prohibited in all indoor College buildings, including campus residence halls. Smoking is prohibited out of doors in the following areas: within 50 feet of exterior ventilation intakes; within 50 feet of building entrances and open windows; and in all exterior stairwells. This includes the use of E-cigarettes and other smokeless devices. The College is a Tobacco-restricted campus; as such, Tobacco products can only be used in designated areas.

23. Residence Hall Regulations/ Published Institutional Rules

Failure to abide by any College policies, including the Residence Hall policies as defined in the terms and conditions of the Residence Hall License. Complete text of the Residence Hall policies are available at <http://www.potsdam.edu/sites/default/files/ResLife.pdf>.

24. Disruptive Conduct

Impairing, interfering with or obstructing the orderly conduct, processes and functions of the College or surrounding community. This behavior includes, but is not limited to, excessive noise, 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.

25. Information Technology Acceptable Use Policy

Violations of this policy are subject to referral to the Office of Student Conduct and Community Standards. <https://www.potsdam.edu/cts/policiesforms/acceptableuse>

26. Hate or Bias-Related Crime

Intentionally selecting a person against whom a criminal offense is committed or intended to be committed because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct.

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27. Gambling

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

28. Abuse of the Student Conduct System

Abusing the Student Conduct System, including but not limited to:

- Failure to obey the request of a Student Conduct Hearing Board or College official.
- Falsification, distortion, or misrepresentation of information before a Student Conduct Hearing Board.
- Disruption or interference with the orderly conduct of a student conduct proceeding.
- Knowingly instituting a student conduct referral without cause.
- Attempting to discourage an individual's proper participation in, or use of, the Student Conduct System.
- Attempting to influence the impartiality of a member of a Student Conduct Hearing Board prior to, and/or during, and/or after a student conduct proceeding.
- Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Hearing Board prior to, and/or during, and/or after a proceeding.
- Failure to comply with the sanction(s) imposed under the student code of conduct.
- Influencing or attempting to influence another person to commit an abuse of the Student Conduct System.

29. Retaliation

- A. Engaging, directly or indirectly, in any action or attempting to harass, intimidate, retaliate against, or improperly influence any individual involved with the Student Conduct System.
- B. An intentional act taken against an individual who initiates **any** sexual misconduct complaint, including stalking of intimate partner violence, pursues legal recourse for such a complaint, or participants in any manner in the investigation of such a report. Any act of retaliation is prohibited and is subject to a student conduct referral.

30. Greek Policies Related to Alcohol and Drugs

- 1. The possession, sale, use or consumption of ALCOHOLIC BEVERAGES, while on chapter premises or during a fraternity or sorority event, in any situation sponsored or endorsed by the chapter, or at any event an observer would associate with the fraternity or sorority:
 - a. must be in compliance with any and all applicable laws of the state, province, county, city and institution of higher education, and
 - b. 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.
 - v. The organization may pay for:
 - 1. The vendor employee salaries.
 - 2. Set up costs excluding any purchase of alcohol.
 - 3. Facility rental.

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- vi. Events with a Third Party Vendor maintain that individuals of age will pay for their own drinks on a cash per drink basis only.
 - vii. There may not be “all you can drink” nor “discount” rates by way of chapter subsidy or by gift of the vendor.
2. 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. The purchase or use of a bulk quantity or common source(s) of alcoholic beverage, for example, kegs or cases, is prohibited.
3. OPEN PARTIES, meaning those with unrestricted access by non-members of the fraternity, without specific invitation, where alcohol is present, are forbidden.
4. No members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to any minor (i.e., those under legal drinking age).
5. 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.
6. 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.
 - a. 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.
 - b. 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.
 - c. The organization may not advertise for an event using the name of an alcohol vendor or information about the presence of any alcohol whether it is BYOB or using a Third Party Vendor.
 - d. All financial transactions with the vendor must take place prior to the event and not involve alcohol purchase or subsidy.
7. 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.
8. 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.
9. 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.
10. 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.

CAMPUS POLICIES AND PROCEDURES

Student Conduct Procedures

1. Introduction

The Student Conduct System addresses charges that are brought against a student or organization that allegedly violates the student Code of Conduct, *Community Rights and Responsibilities*. **The Student Conduct System utilizes a “preponderance of evidence” standard of proof. A preponderance of evidence standard evaluates whether it is more likely than not that a violation occurred.**

2. Referrals

- A. When an incident occurs and there are allegations that a student violated the code of conduct, a Student Conduct Referral may be filed by any College faculty, staff and/or student.
- B. Individuals who wish to initiate a Student Conduct Referral must meet with a Student Conduct Administrator who will determine if the case has merit to move forward to a referral.
- C. If the case is deemed to have merit, then the Referring Party will be asked to put the allegations of misconduct in writing with sufficient detail to support a referral. Any charge should be submitted as soon as possible after the event takes place, preferably within the academic year in which the alleged infraction took place. While timeliness is preferable, there is no deadline by which a complaint must be filed as long as the referred party is a current student at the College.
- D. If there is an allegation of misconduct that the Student Conduct Administrator has determined has merit, the Referred Party will:
 - I. Be notified that a complaint has been filed against him/her via College email;
 - II. Have an opportunity to meet with a Student Conduct Administrator to review the Student Conduct Referral which includes the code violations;
 - III. Learn about the student conduct process and have questions answered;
 - IV. Have an opportunity to give his/her perspective about the incident;
 - V. Provide witness information, if applicable;
 - VI. Sign the Student Conduct Referral indicating the referral and possible sanction outcomes have been reviewed; and
 - VII. Receive a copy of the Student Conduct Referral.
- E. After the Referred Party has received a copy of the Student Conduct Referral, the Referred Party has the option to take up to three calendar days to review their Student Conduct Referral and decide whether or not to accept responsibility for the charges. After three calendar days, the Referred Party must communicate their decision to the Student Conduct Administrator. The Student Conduct Administrator will determine the manner in which the case will be resolved and will communicate this to the Referred Party.

3. Resolutions

Resolutions are the manner in which student conduct cases are resolved. A description of each type of resolution follows:

A. Administrative Agreement

I. Sanction Agreement

The Referred Party acknowledges responsibility for violating the code of conduct and resolves the case with a Student Conduct Administrator by agreeing to an appropriate disciplinary sanction. An application to appeal may not be filed, except for cases of Sexual Misconduct, where the Reporting Party may appeal.

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Student Conduct Procedures

II. Imposed Sanction

If the Referred Party does not wish to accept an appropriate sanction from the Student Conduct Administrator, but the preponderance of evidence standard has been met, a sanction will be imposed. A sanction may also be imposed if the student fails to attend a scheduled meeting with the Student Conduct Administrator. The Referred Party maintains the right to file an application to appeal.

Imposed sanctions may only be applied in cases where sanctions will not result in removal from residence hall, suspension or dismissal.

B. Hearing before a Student Conduct Hearing Board

When the Referred Party contests the charges and/or sanctions and/or is facing removal from residence, suspension or dismissal from the College or at the discretion of the Student Conduct Administrator, a hearing will be scheduled. Regardless of who served as the original Referring Party, the Student Conduct Administrator may later serve as the Referring Party at a Student Conduct Hearing. The Director of Student Conduct and Community Standards will make every effort to schedule hearings around students' academic schedules only.

Hearings are conducted as follows:

- I. Both the Referred Party and Referring Party:
 - a. Receive written notice of a hearing date, time and place at least 5 calendar days in advance;
 - b. Must represent themselves;
 - c. May have one advisor present. The advisor may not address the Student Conduct Hearing Board but may speak privately with the advisee during the proceedings;
 - d. Have the right to call witnesses who have direct knowledge of the incident;
 - e. Hear the description of incident and conduct charges (the Referred Party will then make a plea of responsible or not responsible for the charges);
 - f. Have the opportunity to make an opening statement;
 - g. Have the opportunity to ask questions of each other and their witnesses;
 - h. May be questioned by the Student Conduct Hearing Board.
 - i. Have the opportunity to make a closing statement.
- II. The Student Conduct System encourages student involvement in the conduct proceedings and relies on full and open discussion of cases with all parties concerned in order to render a fair judgment. The Student Conduct System is administrative in nature and, as such, is not considered a court of law where formal rules of process, procedure or technical rules of evidence apply.
- III. Referrals involving multiple students for the same incident may be resolved at one hearing.
- IV. Hearings are regarded as confidential and closed to all but the principals of the case, their witnesses, their advisor and the Director of Student Conduct and Community Standards.
- V. An official audio recording will be made of the proceedings. This recording is the property of the College and will not be duplicated or released. Participants are prohibited from making their own recording during the hearing (including but not limited to audio, photographic and/or written recording). The Referred Party and Referring Party may submit a written request to the Director of Student Conduct and Community Standards for permission to listen to the official audio recording in a supervised location on campus. An official written transcript can be provided by the College at the requesting party's expense.
- VI. Evidence to be presented by the Referring Party and Referred Party during any hearing on the charges must be submitted to Community Standards at least two (2) business days in advance of the scheduled hearing. This evidence will be shared with the opposing party. The Student Conduct Hearing Board may exclude evidence that has not been

CAMPUS POLICIES AND PROCEDURES

Student Conduct Procedures

shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. Community Standards or the Student Conduct Hearing Board will make the final decision related to the admissibility of all evidence.

- VII. It shall be the responsibility of the Student Conduct Hearing Board to determine the relevancy of testimony and written evidence.
- VIII. Should the Referred Party or Referring Party fail to appear for a scheduled hearing, a finding will be made based upon the information available and sanction(s) imposed, if appropriate.
- IX. The primary function of any Student Conduct Hearing Board is to determine, by simple majority, using a preponderance standard, whether the Referred Party has violated the provisions of *Community Rights & Responsibilities* and if so, determines an appropriate sanction.
- X. The Referred Party will be notified, in writing, of the final decision of the Student Conduct Hearing Board and of the right to appeal. Consistent with the provisions of the Family Educational Rights and Privacy Act (FERPA) regulations, and in cases involving sexual offenses or crimes of violence, the Referred Party, Referring Party, and Reporting Individual will be notified of the final decision of the Student Conduct Hearing Board.
- XI. The Referred Party's status at the College is not altered until the appeal decision is final. In certain cases, however, the Chief Student Affairs Officer may determine that the Referred Party's presence is a threat to the College community and uphold the sanction imposed by the Student Conduct Hearing Board until the appeal is final.

C. Alternative Dispute Resolution

I. Mediation

Mediation is a voluntary process that requires the commitment of all parties. It is appropriate when a violation arises out of a dispute between students. It is generally reserved for first time and less serious violations. The goal is to reach a written agreement to resolve the dispute and to prevent it from reoccurring. The Student Conduct Administrator will act as the mediator, and will retain a record of the mediation efforts and the mediation agreement. If the parties fail to live up to the agreed settlement, or if mediation attempts fail to reach an agreement, a referral will be processed.

D. Procedures for Organizational Hearings

Hearing for organizations will follow the same procedure as hearing for individual students as described in this section 4 B. Additional guidelines for organizational hearings are as follows:

- I. The organization's President or designee and no more than 2 other organization members shall represent the organization charged throughout the conduct process. All representatives/designees must be current SUNY Potsdam students.
- II. SUNY Potsdam may choose to share information with affiliated alumni, affiliated students and the advisor of the organization. The organization can share information with members and alumni as it relates to the hearing.
- III. The past history of an organization will not be admissible in a hearing except in the following cases.
 - a. A representative for the organization presents false information during the hearing about the organizations' past conduct and/or other history.
 - b. 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 if:
 - i. The previous violation was substantially similar to the present complaint; and
 - ii. The previous violation indicated a pattern of behavior and substantial conformity with that pattern by the organization charged.
- IV. Should there be a need for sanctioning, the Director or Assistant Director of Campus Life will work with the hearing board to ensure the sanctions are appropriate and educational.

Note: In the case of Greek affiliated hearing and appeal boards, every effort will be made to ensure that at least one member of the Hearing or Appeal Board is/was affiliated with a Greek community either at SUNY Potsdam or at their previous institution. While the College will work towards this goal, it is not absolute and the hearing or appeal will proceed even if there are no hearing or appeal board members with Greek affiliation available at the scheduled time.

CAMPUS POLICIES AND PROCEDURES

Cases of Sexual Misconduct

Introduction

This section outlines the policy and procedures that will be followed for all cases of sexual misconduct in addition to procedures described in 4.3A or 4.3B and Section 7.4.

In the event that there is a conflict between any procedures set forth in this section with any procedures described in any other portion of this code, the procedures set forth in this section will control for cases of sexual misconduct.

Compliance with any of the below listed provisions does not constitute a violation of Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

The burden of proof in all sexual misconduct cases is a “preponderance of the evidence” - whether it is more likely than not that, the sexual misconduct occurred. If the evidence meets this standard, than the respondent MUST be found responsible of a violation of this code.

A. Students’ Bill of Rights

The State University of New York and SUNY Potsdam are committed to providing options, support and assistance to members of our community that are affected by sexual harassment, 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. To view a complete list of all of the rights afforded to students in the Student Bill of Rights, please visit:

<http://www.potsdam.edu/offices/hr/titleix/billofrights>

B. Policy for Alcohol and/or Drug Use Amnesty in Sexual Misconduct 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.

2. Student Conduct Process in Cases involving Sexual Misconduct

- A. Reporting Individuals have the right to request that student conduct charges be filed against the Accused. Conduct proceedings are governed by the procedures set forth in the *Community Rights & Responsibilities* as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- B. Throughout conduct proceedings, the Respondent and the Reporting Individual will have:
 - I. 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. Advisors may not address the Student Conduct Hearing Board during a disciplinary hearing but may speak privately with the advisee during the proceedings.
 - II. The right to a prompt response to any complaint. SUNY Potsdam will conduct timely reviews of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint.

CAMPUS POLICIES AND PROCEDURES

Cases of Sexual Misconduct

All deadlines and time requirements below may be extended for good cause as determined by the Title IX Coordinator or the Chief Student Affairs Officer, or a designee of either of those individuals. The Respondent, Referring Party, and Reporting Individual will be notified in writing of the delay, the reason for delay, and provide the date of the new deadline or event. Extensions requested by one party will not be longer than five (5) business/school days. With respect to timing, parties should take notice of the following:

- a. The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within seven (7) days of receipt of the complaint.
 - b. The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, will usually be completed within thirty (30) days of receipt of the complaint.
 - c. Results of the complaint, via either a formal hearing or waiver of hearing will typically be issued within sixty (60) days of receipt of the complaint, or, if longer, within a prompt and timely manner.
 - d. Appeals for cases of sexual misconduct will be conducted as per the procedures described in Section 7.4, "Appeals of Cases of Sexual Misconduct".
- III. The right to have their complaint investigated and adjudicated in an impartial and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, 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.
- IV. 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.
- V. 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.
- VI. The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- VII. The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Potsdam).
- VIII. The right to present evidence and testimony at a hearing, where appropriate.
- IX. The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- X. 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.

CAMPUS POLICIES AND PROCEDURES

Cases of Sexual Misconduct

- XI. The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- XII. The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- XIII. The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- XIV. The right to written or electronic notice about the sanction(s) that may be imposed on the Respondent 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.
- XV. Access to at least one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest (See Section 7.4)
- XVI. 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.
 - a. Student Conduct & Community Standards, (315) 267-2579, Barrington Student Union Room 218
- XVII. The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- XVIII. 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.
- XIX. Evidence to be presented by the Referring Party and Respondent during any hearing on the charges must be submitted to the Director of Student Conduct and Community Standards at least two (2) business days in advance of the scheduled hearing. This evidence will be shared with the opposing party. The Student Conduct Hearing Board may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The Director of Student Conduct and Community Standards or the Student Conduct Hearing Board will make the final decision related to the admissibility of all evidence.

3. Temporary and Administrative Directives

- A. When the Accused or Respondent is a student, the College may issue a “No Contact Order” meaning that continuing to contact the protected individual, either directly in person, by telephone, email, text message, or other electronic means of communication, or through a third party (other than an attorney), is a violation of -College policy subject to additional conduct charges; if the Accused or Respondent and a protected person observe each other in a public place, it is the responsibility of the Accused or Respondent to leave the area immediately and without directly contacting the protected person.
- B. When the Accused or Respondent is a student and presents a continuing threat to the health and safety of the community, the Accused or Respondent may be subject to a temporary suspension pending the outcome of the student conduct process (see Section 6.2A regarding “Temporary Suspension”).
- C. Both the Accused/Respondent and the Reporting Individual shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any Administrative Directives and/or Temporary Directives (see Section 6.2 or 6.3). The Accused/Respondent or Reporting Individual shall be allowed to submit evidence in support of his or her request.

CAMPUS POLICIES AND PROCEDURES

Cases of Sexual Misconduct

- I. The request for review must be submitted in writing to the Director of Student Conduct and Community Standards (by email: studentconduct@potsdam.edu or in person: Barrington Student Union Room 218) within two (2) calendar days of the imposition of Temporary and/or Administrative Directives.
- II. The College may establish an appropriate schedule for the Accused/Respondent to access applicable institution buildings and property at the time when such buildings and property are not being accessed by the Reporting Individual.

Sanctions, Temporary and Administrative Directives

Failure to comply with sanctions and directives is a violation of College policy subject to additional conduct charges.

1. Sanctions

A sanction is a requirement or status that is imposed as a result of either accepting responsibility or being found responsible for violating the student code of conduct, *Community Rights and Responsibilities*.

Disciplinary sanctions shall be communicated to students in writing via College email, which is the official means of communication between Student Conduct Administrators and students.

Sanctions are determined by the seriousness of the code violation and are not necessarily progressive. For example, a student with no prior disciplinary record may be assigned a sanction commensurate with the offense up to and including removal from residence, suspension or dismissal.

A. Conduct Warning

A written notice to a student that the behavior is counter to the expectations in the student code of conduct. A Conduct Warning is issued for low-level behavior infractions. This is not considered a formal referral, rather a written understanding between the administrator and student with the expectation that the student modifies future behavior.

B. Disciplinary Warning

This is a lower level sanction issued as a result of a formal Student Conduct Referral. A student is placed on Disciplinary Warning for a period of four months excluding winter and summer intersessions. This serves as a stronger notice to a student that the behavior is counter to the expectations in the student code of conduct. Having an active Disciplinary Warning can affect your ability to hold positions with campus offices and/or organizations and other campus opportunities.

C. Disciplinary Probation

This is a higher-level sanction issued as a result of a formal Student Conduct Referral that does not compromise a student's housing or their status as a student. Disciplinary Probation lasts 15 weeks (while classes are in session) and includes all the restrictions of Disciplinary Probation. This is an official written notice that advises that the student may risk separation from the college if there are any further violations.

D. Terminal Disciplinary Probation

This is the most severe sanction issued as a result of a formal Student Conduct Referral and is imposed for serious violations or a pattern of violations of the student code of conduct. A student is placed on Terminal Disciplinary Probation for a specified period to include until Graduation based on the violation. Having an active Terminal Disciplinary Probation status can affect your ability to hold positions with campus offices and/or organizations and other campus opportunities. Specifically, a student cannot run for or hold certain campus-wide leadership positions including elected or appointed student government offices; hold a position in Residential Life; or serve on the Student Conduct Board.

CAMPUS POLICIES AND PROCEDURES

Cases of Sexual Misconduct

E. Removal from Residence

Students who have a serious violation of the community standards set in the student code of conduct or the residence license, or because of a series of breaches of the community standards in the Residence Halls will be asked to leave campus residence either permanently or for a period of time. This sanction carries with it the penalty of forfeiting room and board charges for the semester in which the disciplinary action occurs. Depending on the nature of the incident, the student may also receive a disciplinary probation as part of this sanction.

F. 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 without appeal.

G. Suspension – Disciplinary

A student who is suspended from the College is unable to register for and attend classes or to be present on College property for a prescribed period of time. Suspension is a severe sanction and the student forfeits tuition and fees along with room and board if a residential student and does not receive academic credit for the semester in which the suspension occurred. Students who are Disciplinarily Suspended and wish to return to the College must first meet with The Director of Student Conduct and Community Standards to assess their readiness for readmission. Students who are Disciplinarily Suspended **with conditions** and who wish to return to the College must meet with The Director of Student Conduct and Community Standards to verify the successful completion of the conditions.

H. Dismissal – Disciplinary

A student who is dismissed (expelled) from the College is permanently separated from the community, prohibited from being on any property of the College and may never return to the institution. The student forfeits tuition and fees along with room and board if a residential student, as well as the academic credit for the semester in which the dismissal occurred.

I. Residence Hall or Campus Restriction

A student may be restricted from appearing in any or all of the residences, buildings or grounds on campus if it is reasonably believed that the student poses a threat to the health or safety of the campus community. Other restrictions may be imposed such as denial of access to specified campus services or programs. A student may also be barred from the entire campus if the Director of Student Conduct reasonably believes the student poses a threat to the health, safety or well-being of the College community.

J. Restitution

If College property is damaged, the appropriate College department and/or personnel will make an assessment of the damage. The responsible student(s) may be billed as appropriate. Restitution for personal property cannot be resolved via the Student Conduct System.

K. Educational Programs & Services

Educational Programs & Services such as Alcohol Education Programs, Drug Education Programs, Community Service, By-Stander Intervention Programs, reflection or research papers, etc., may be used to supplement any other student conduct sanction. It is the sole responsibility of the student to bear any costs associated with these sanctions.

CAMPUS POLICIES AND PROCEDURES

Cases of Sexual Misconduct

2. Temporary Directives

A. Temporary Suspension

The Director of Student Conduct & Community Standards or designee may take action immediately to suspend a student from the College and remove the student from campus, when in consultation with the Chief Student Affairs Officer, reasonably believes that the continued presence of such student would constitute a danger to the safety of persons or property. The Director of Student Conduct or designee may also temporarily suspend an organization and/or the activities of an organization for an interim period pending conduct charges and proceedings. The suspension is temporary pending the resolution of the student's or organization's Conduct Referral as outlined in *Section 4: Student Conduct Procedures of the Community Rights & Responsibilities*.

B. Temporary Removal from Residence

When the Director of Student Conduct & Community Standards or his/her designee reasonably believes that the behavior of a resident student significantly detracts from the educational environment of the residence hall or constitutes a danger to the safety of other persons or property in the residence hall, the Director may temporarily remove the student from campus housing and restrict the student from the buildings and grounds of the residential complexes. The removal is temporary pending the resolution of the student's Student Conduct Referral as outlined in *Section 4: Student Conduct Procedures of the Community Rights & Responsibilities*.

3. Administrative Directives

A. No Contact Order

A written directive prohibiting certain behaviors with a protected individual, either directly in person, by telephone, email, text message, or other electronic means of communication, or through a third party (other than an attorney). If the accused or respondent and a protected person observe each other in a public place, it is the responsibility of the accused or respondent to leave the area immediately and without directly contacting the protected person.

B. Cease & Desist

A written directive to both parties prohibiting contact with each other, either directly or through a third party.

C. Residence Hall or Campus Restriction

A student may be restricted from appearing in any or all of the residences, buildings or grounds on campus if it is reasonably believed that the student poses a threat to the health or safety of the campus community. Other restrictions may be imposed such as denial of access to specified campus services or programs. A student may also be barred from the entire campus if the Chief Student Affairs Officer reasonably believes the student poses a threat to the health, safety or well-being of the College community.

CAMPUS POLICIES AND PROCEDURES

Student Conduct Appeals

1. Introduction

An appeal is the process to request a review of the original student conduct outcome. The Referred Party has the right to submit one application for appeal to the Director of Student Conduct and Community Standards. In cases of Sexual Misconduct, the Referred Party, Referring Party, and Reporting Individual have the right to appeal (see Section 7.4 for further clarification). An appeal does not rehear a student conduct case, but rather, determines if the conclusion reached in the original case is valid based on substantiation of a procedural error, new evidence, or the severity of the sanction.

Note: Student conduct cases that are resolved through *Administrative Resolution: Sanction Agreement (Section 4.2.A.I)* are not eligible for appeal, except for cases of Sexual Misconduct.

2. Appeal Grounds

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

A. Procedural Error: Procedural error occurs when the policies outlined in *Community Rights and Responsibilities* are not followed, and as a result, the outcome of the case was significantly impacted. A procedural error and its impact on the case outcome must be clearly described in the appeal.

B. New Evidence: This refers to new evidence that was unavailable during the original hearing or investigation that could significantly affect the original finding or sanction. A summary of the new evidence and its potential impact must be included. This does not include information available but not disclosed at the Student Conduct Hearing by choice (i.e., opting not to disclose information for any reason).

C. Sanction Severity: A sanction imposed as a result of the original student conduct hearing that is significantly outside of the parameters of the Sanction Guidelines may be appealed. Evidence must show that the sanction is inappropriate based on the infraction, according to standard Sanction Guidelines available at <http://www.potsdam.edu/studentlife/studentconduct/judicial/sanctions>.

3. Appeal Procedure

- A. An application for appeal must be submitted electronically within seven calendar days of receiving the decision letter via College e-mail. Instructions on how to file an application for appeal are provided in the decision letter. Applications for appeal may not be submitted by a third party.
- B. Applications for appeal are reviewed by the Chief Student Affairs Officer or his/her designee to determine if the appeal was submitted **timely** for appeal. The original decision and sanction will stand if the appeal is not timely or does not meet the grounds for appeal, and the decision is final.
- C. If the application is timely AND meets the grounds, the Appeal Board will review the appeal.
- D. Appeal outcomes are determined based on the Referred Party's approved written application for appeal and the rationale of the original Student Conduct Hearing Board. A simple majority will make the Appeal Board's decision.
- E. Appeal findings shall be recommended to the Chief Student Affairs Officer or designee who will render a final decision. A written notification of the appeal decision will be made via College email. This decision is final.

CAMPUS POLICIES AND PROCEDURES

Student Conduct Appeals

4. Appeals of Cases of Sexual Misconduct

In such cases, both parties will receive written notification of the Student Conduct Hearing Board's decision and either party can then submit an application for appeal within seven calendar days according to the procedures described above under "Student Conduct Appeals."

If one party submits an application for an appeal, the non-requesting party will receive notice that an appeal was submitted and may then submit either his/her own appeal or a written response to the requesting party's appeal within seven days of the notification. If both parties appeal, the appeals will be considered concurrently. The appeal(s) shall be considered in accordance with the "Student Conduct Appeal Procedure" described above Section 3. Both parties will be notified of the appeal decision within thirty days of the last appeal received and the decision is final.

Appointment of Student Conduct Hearing & Appeal Boards

I. Appointment

All members of the Student Conduct Hearing Board and Appeal Boards shall be appointed by the Director of Student Conduct and Community Standards.

- A. The Director of Student Conduct & Community Standards will select Student Conduct Hearing Boards and Appeal Board members who are capable of adjudicating cases in a fair, knowledgeable, and impartial manner.
- B. Student Conduct Hearing Board and Appeal Board members will possess or receive the necessary education and training regarding the subject matter of cases they will be adjudicating. Training will minimally be done annually.
- C. The Director of Student Conduct & Community Standards shall choose from a list of currently trained Student Conduct Hearing Board members and Appeal Board members.
- D. Student Conduct Hearing Board members and Appeal Board members who are unable to be impartial for whatever reason shall disqualify themselves.

CAMPUS POLICIES AND PROCEDURES

TV Cable and High-Speed Internet Modem

Tampering with and/or unauthorized use of the TV cable and/or the high-speed internet modem is expressly forbidden. This offense will be subject to college disciplinary action.

Wheeled Vehicle Policy

SUNY Potsdam recognizes that skateboards, rollerblades, bicycles and other wheeled vehicles or devices are legitimate methods of both exercise and transportation. However, some people choose to utilize these items in other than a conventional manner, thereby creating a physical danger to themselves and others as well as hazard to property.

SUNY POTSDAM'S POLICY ON WHEELED VEHICLES

SUNY Potsdam recognizes that skateboards, rollerblades, bicycles and other wheeled vehicles or devices are legitimate methods of both exercise and transportation. However, some people choose to utilize these items in other than a conventional manner, thereby creating a physical danger to themselves and others as well as hazard to property. In an effort to continue to provide for the open use of College property of these modes of transportation, the following are adopted:

Trick or stunt riding is prohibited. Trick or stunt riding is defined as repetitive or competitive moves where wheels leave the surface. Vehicles or devices used in such a manner are subject to impounding.

No wheeled vehicle or device for personal transportation may be used in any campus building. Wheelchairs and youth strollers are exempt from this provision.

Skateboards, bicycles, rollerblades and similar wheeled devices are prohibited from any tennis court surface.

Skateboards and rollerbladers using sidewalks will do so safely and will yield the right of way to pedestrians.

Skateboards and rollerbladers using campus roadways will travel in the right lane of traffic only, as close to the right hand curb as is feasible and safe.

VILLAGE OF POTSDAM VILLAGE CODE

In an effort to continue to provide for the open use of College property of these modes of transportation, the following guidelines are applied to SUNY Potsdam from the Potsdam Village Code:

§ 145-14 Playing in streets. – Village Code

[Amended 5-5-1997 by L.L. No. 4-1997]

A. Winter coasting and sliding. No person shall coast or slide downhill or ice skate upon, into, over or across any street or sidewalk in this municipality except on such streets and during such hours as the Village Board may designate by resolution and only then after such street is properly blocked off and adequately policed.

B. Bicycle riding. No bicycle shall be ridden in this municipality except in accordance with Article 34 of the New York State Vehicle and Traffic Law. No person shall ride a bicycle on any sidewalk in this municipality except for children under the age of 11 years.

C. Skating.

(1) In-line skating, roller-skating, skateboarding and play vehicles.

(a) No persons except those capable of reasonable and sufficient control shall ride or propel in-line skates, roller skates or skateboards (hereinafter collectively called skates) upon a public street, highway or sidewalk of this municipality except in a prudent and careful manner.

(b) No person shall ride or propel skates unless operated with reasonable regard for the safety of the operator and other persons and property on the streets, sidewalks and other areas of this municipality.

(c) No person shall ride or propel skates in a manner which shall impede or interfere with pedestrian or vehicular traffic.

(d) No person 14 years of age or older shall ride or propel skates or use any other play vehicle on the sidewalk or in any parking lot in the downtown business section of this municipality.

CAMPUS POLICIES AND PROCEDURES

(e) All operations of skates shall adhere to the rules relating to bicycles as stated in Article 34 of the New York State Vehicle and Traffic Law except as to those provisions which by their nature have no application.

(f) Operators of skates emerging from an alley, driveway or building shall, upon approaching a sidewalk, yield the right-of-way to all pedestrians approaching said sidewalk.

(g) Operators of skates shall yield the right-of-way to pedestrians and shall give a reasonable audible signal before overtaking and passing such pedestrian.

(h) All operators of skates shall, during the hours of darkness, wear reflective clothing which shall be visible from a distance of not less than 50 feet and a maximum of 300 feet from the front, side and rear when directly in front of the lawful beams of a motor vehicle; or shall wear or display a red or flashing red light which can be seen from the same distances as stated above without any additional illumination. Reflective clothing shall be defined for this section as any shirt, vest or jacket or other apparel equipped with a reflective surface.

(i) All operators of skates are encouraged to wear protective equipment, including but not limited to helmets, wrist guards, kneepads and elbow pads.

(j) All persons under the age of 14 shall wear approved helmets as defined in Article 34 of the New York State Vehicle and Traffic Law and wrist guards commonly sold for in-line skating.

(k) Parents and guardians shall be responsible for children under their care and be subject to the penalties provided in this chapter.

- (2) Nothing herein shall prohibit this municipality from designating an area in the Village of Potsdam which may be primarily used by operators of skates, including the placement of equipment therefore, upon the request and approval of the Chief of Police.

D. Ball playing. No person shall practice ball playing or other open-field sports on the streets of this municipality or bat or throw stones or other substances in any of the streets or other public places of this municipality except parks and playgrounds provided for this purpose.



CAMPUS POLICIES AND PROCEDURES

Student Records Confidentiality: Rights and Procedures

The Family Educational Rights and Privacy Act of 1974 (FERPA) provides current and former students with the right to inspect and review educational records, the right to seek to amend those records, the right to limit disclosure of information from the records and the right to file a complaint with the U.S. Department of Education. Applicants or students may also waive their rights to inspect confidential letters or statements of recommendation.

College officials may not disclose personally identifiable information about a student nor permit inspection of their records without the student's written permission unless such action is covered by certain exceptions permitted by FERPA. Under the provisions of the Act, a college may disclose information about a student if it has designated the information as "Directory Information." SUNY Potsdam has designated the following as Directory Information:

Student's name, date and place of birth, address, telephone number, email address, previous institution(s) attended, dates of attendance, enrollment status (full/ part time), class standing, major field of study, academic honors or awards received, past and present participation in officially recognized sports or activities, physical factors (height, weight of athletes), and degrees conferred (including dates).

In accordance with FERPA, the student's consent is not required when a college official has a legitimate educational interest in the student's educational record: that is, if the official needs to review this information in order to fulfill his/her professional responsibility. However, this does not constitute authorization to share that information with a third party without the student's written consent. A "college official" is a person employed by the college in an administrative, supervisory, academic, research, or support staff position (including Campus Police and Student Health); a person or company with whom the College has contracted (such as an attorney, auditor or accrediting agent); a person employed by SUNY System Administration; a person serving on the College Council; or a student serving on an official committee, or assisting another College official in performing his or her tasks.

A former or currently enrolled student may request the Directory Information not be published in the printed or web version of the Campus Directory nor released to non-college personnel without the student's prior consent by filing a "Request to Withhold Release of Directory Information" in the Registrar's Office. Requests must be filed before September 1st in order to be excluded from the Campus Directory printed for the upcoming academic year. Privacy requests are valid until rescinded by the student.

Please consider very carefully the consequences of any decision to withhold Directory Information. All requests for such information from outside the College will be refused. Regardless of the effect on you, the College assumes no liability for honoring your instructions that such information be withheld.

FERPA Rights and Procedures

FERPA affords students certain rights with respect to their educational records. Students have the right to review their educational records within 45 days of the date the college receives a request for access. Students should submit to the College Registrar written requests that identify the record(s) they wish to inspect and the student will be notified of the time and place where the records may be inspected. If the records are not maintained in the office of the College Registrar, the Registrar will advise the student of the correct official to whom the request should be addressed.

Students have the right to request an amendment to the educational records that are believed to be inaccurate. They should write to the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

The Department of Residence Life

Residence Hall Living

- *Residence Hall Living*
- *Facilities and Services*
- *Housing Policies*
- *Maintenance*
- *Residence Hall Safety*
- *Residence Life Policies*
- *Roommate Bill of Rights*
- *Minimum Living Condition Standards*

The residence halls are a vital part of the collegiate experience and an integral part of the College's mission. At SUNY Potsdam, students spend a major portion of their time outside of the classroom, and the residence halls are at the center of the students' day-to-day life. The College's Residence Life Department believes that a residence hall should contribute to the student's educational and personal growth. At the core of this philosophy is the sense of community, which staff members strive to create in the halls. You are expected to treat every member of the College community with respect, especially the hall staff, and comply with their requests. Cooperation, commitment to the welfare of the group, and a sense of responsibility to self and others define the community that develops as a result of living and learning together. We believe the essence of this commitment can be seen in the residence halls, which provide an opportunity for exchanging divergent views and beliefs and sharing in the diversity of our campus community.

The key element to a successful residential experience is the willingness to get involved. You can have an impact on the direction of your hall and the College through your participation in activities. We hope that you make the most of this opportunity by accepting the challenge and responsibility of being an active and contributing member of the residential community.

MISSION

The Department of Residence Life at SUNY Potsdam provides a safe and clean environment, resourceful staff, and learning experiences for the diverse members of our residential community in pursuit of their educational goals.

VISION

We aspire to be a distinctive educational community where intentional student learning is our focus. We will be a catalyst for student excellence by providing staff, facilities, services, programs, and activities that foster student retention and success.

In pursuit of this vision:

- * we provide staff who are caring, dedicated, diverse, professional, and well-trained in order to provide support and guidance to our students;
- * our facilities will be clean, safe, accessible, and modern and include amenities and furnishings that contribute to student success;
- * and programs offered will promote community development and active campus involvement in order to serve the interests and needs of our diverse students.

LEARNING OUTCOMES

Participation in our Residence Life Program provides students with the skills, abilities and knowledge for:

1. **Self-Discovery & Development**

Students will grow in their understanding of themselves; building upon their strengths and improving their shortcomings.

2. **Community Engagement**

Students will learn to form healthy, interdependent, and meaningful connections with others by embracing civility and diversity.