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.
I. DEFINITIONS OF TERMS

When used in this Code:

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

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

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

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

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

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

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

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

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

A "Greek organization" is defined as a group that identifies as a fraternity or sorority and/or uses a new member education process (pledging, training, probationary members, etc.).
J. The term “member of the College community” includes any person who is a student, faculty member, College official, member of an organization, or any other person employed by or affiliated with the College. The Dean of Students, or designee, shall determine a person’s status in a particular situation.

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

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

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

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

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

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

II. BILL OF RIGHTS

The enumeration of these rights shall not be taken to deny or disparage other rights retained by students as members of the institutional community.

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

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

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

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

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

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

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

III. CLASSROOM EXPERIENCE

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

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

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

IV. EXPRESSION

A. Discussion and expression of all views are permitted within the institution subject only to the requirements of the Rules for the Maintenance of Public Order and this document. Support of any cause by orderly means which do not disrupt the operations of the institution shall be permitted.

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

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

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

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

V. PRESERVATION OF STUDENT RECORDS

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

A. Academic records subject to the limitations of the Family Rights and Privacy Act of 1974.

B. Financial records of continuing obligations.

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

D. Placement records.

E. Records retained as required by law.

VI. PROHIBITED CONDUCT

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

1. Alcohol

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

2. Banned Organizations

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

3. Cooperation

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

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

4. Damage and/or Theft

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

5. Dishonesty; including but not limited to the following:

a. Acts of academic dishonesty, to include but not limited to, such as cheating and plagiarism.

b. Furnishing false information to any college official, faculty member or office.

c. Forgery, alteration or misuse of any college document, record, or instrument of identification.

6. Disruptive Behavior

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

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

7. Doors

Willfully impeding the proper function of doors is prohibited. Propping open exterior or interior doors that allow access to a locked facility is prohibited. Unauthorized entry into any building or facility is prohibited.
8. Drugs
   a. Students may not use, possess, distribute, sell, or knowingly be in the presence of marijuana, other illegal drugs, and/or controlled substances.
   b. Any items that can be utilized for or are designed for the use of drugs (e.g. bowls, bongs, etc.) are prohibited. Any items that are fashioned for the purpose of drug use will also be considered a violation of this policy.
   c. Students may not use, possess, distribute, sell, or knowingly be in the presence of synthetic cannabinoids or other similar substances.

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

10. Fire
    a. Tampering with fire safety equipment on campus is prohibited.
    b. Intentionally, carelessly, or recklessly causing the false report of a fire alarm, either personally or by activating the fire alarm system is prohibited.
    c. Intentionally, carelessly or recklessly causing a fire to be ignited in any College building or on the grounds of the campus without a legitimate purpose is prohibited.
    d. Intentionally interfering with or failing to follow emergency procedures, including fire drills/alarms, is prohibited.
       This may also be a criminal offense and persons apprehended and found responsible may be subject to both College sanctions and criminal penalties.

11. Harassment:
    Includes such acts as, but is not limited to:
    a. Attempting or threatening to subject another person to unwanted physical contact.
    b. Stalking any person by any means including by physical, electronic, written or telephonic means.
    c. Persistent, pervasive, or severe bullying behaviors such as theft or destruction of personal property, public humiliation, intimidating or threatening behaviors.
d. Directing obscene language or gestures at another person or group of people in a threatening manner.

Bias-Related Harassment. Harassing conduct that limits or denies equal treatment of another person or persons and is based on race, religion, gender, age, creed, color, disability, marital status, national origin, sexual orientation, gender identity, military status or organizational affiliation or other protected characteristics is prohibited.

- Oral, written, graphic or physical conduct relating to an individual's race, color, national origin (including an individual's ancestry, country of origin, country of origin of the student's parents, family members, or ancestors) or other protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities is also prohibited.

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

12. Hazing

Respect for the dignity and rights of other students are a basic tenet of the College community. Any activity expected of someone that humiliates, degrades, abuses, or which endangers the mental, emotional, physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization or team whose members are or include students at SUNY Potsdam is prohibited. Hazing may occur regardless of the person’s willingness to participate. Note: A person commits a hazing offense if the person engages in hazing; solicits, encourages, directs, aids or attempts to aid another engaging in hazing; or intentionally, knowingly, or recklessly permits hazing to occur. Hazing is prohibited in this community.

13. Published Institutional Rules

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

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

15. Sexual Harassment

All unwelcome conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from a program or activity.

Examples & Information:

- Requests for sexual favors
- Unwelcome advances
- Sexist comments
- May occur in a single episode or be persistent behavior

16. Sexual Misconduct

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

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

Note: The act of consent requires spoken words or behavior that indicates, without doubt to either party, a mutual agreement to participate in sexual intercourse or other sexual activities. Indicators of consent do not include silence or past or present sexual relationships. A person is deemed incapable of consenting when that person is developmentally disabled, mentally incapacitated, physically helpless (whether induced by drugs, alcohol, otherwise), or asleep. The use of alcohol or other drugs cannot be considered an excuse for Sexual Misconduct. Sexual Misconduct can be committed by a friend, acquaintance, or stranger.

17. Surreptitious Electronic Use

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

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

19. Weapons

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

20. Greek Policies Related to Alcohol and Drugs

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

1. must be in compliance with any and all applicable laws of the state, province, county, city and institution of higher education, and
2. must comply with either the BYOB or Third Party Vendor Guidelines.

i. Sponsorship and endorsement may include the contribution of funds, supplies, food, or management of the event or significant portion of membership in attendance.
ii. There is increased potential for responsibility where alcohol is present at an event.
iii. BYOB (Bring Your Own Beverages) is the process where members or guests bring their own individual supply of a beverage for personal consumption. BYOB is not the use of a common source of alcohol provided by any members, alumni, guests, or co-sponsors such as cases of beer, bottles of alcohol, kegs, party balls, etc.
iv. Third Party Vendor use applies to situations in which the organization contracts a licensed purveyor of alcohol in a bar, dance hall, drinking establishment, hotel, restaurant, etc., or by inviting a catering company to the organization’s or co-sponsor’s location.
   a. The organization may pay for
      i. The vendor employee salaries.
      ii. Set up costs excluding any purchase of alcohol.
      iii. Facility rental
   b. Events with a Third Party Vendor maintain that individuals of age will pay for their own drinks on a cash per drink basis only.
   c. There may not be “all you can drink” nor “discount” rates by way of chapter subsidy or by gift of the vendor.
B.  
1. No alcoholic beverages may be purchased through or with chapter funds nor may the purchase of same for members or guests be undertaken or coordinated by any member in the name of or on behalf of the chapter.  
2. The purchase or use of a bulk quantity or common source(s) of alcoholic beverage, for example, kegs or cases, is prohibited.  

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

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

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

F. No chapter may co-sponsor an event with an alcohol distributor or tavern (tavern defined as an establishment generating more than half of annual gross sales from alcohol) at which alcohol is given away, sold or otherwise provided to those present. This includes any event held in, at or on the property of a tavern as defined above for purposes of fundraising. However, a chapter may rent or use a room or area in a tavern as defined above for a closed event held within the provisions of this policy, including the use of a third party vendor and guest list. An event at which alcohol is present may be conducted or co-sponsored with a charitable organization if the event is held within the provisions of this policy.  
1. An organization may have events with a bar or drinking establishment, but without the use of advertisement, and only within a controlled setting regarding guests and Third Party Vendor guidelines.  
2. The sale of tickets to an event, such as a band, may not be coordinated at the event, may not be used to pay the vendor, and must be paid to the entertainment prior to the event and separate from any situation where alcohol is present. Such events must still remain restricted and careful sale of tickets may only be to those determined by the guest list.  
3. The organization may not advertise for an event using the name of an alcohol vendor or information about the presence of any alcohol whether it is BYOB or using a Third Party Vendor.  
4. All financial transactions with the vendor must take place prior to the event and not involve alcohol purchase or subsidy.
G. No chapter may co-sponsor, co-finance or attend or participate in a function at which alcohol is purchased by any of the host chapters, groups or organizations.

H. All recruitment or rush activities associated with any chapter will be non-alcoholic. No recruitment or rush activities associated with any chapter may be held at or in conjunction with a tavern or alcohol distributor as defined in this policy.

I. No member or pledge, associate/new member or novice shall permit, tolerate, encourage or participate in “drinking games”. The definition of drinking games includes but is not limited to the consumption of shots of alcohol, liquor or alcoholic beverages, the practice of consuming shots equating to one’s age, “beer pong”, “century club”, “dares” or any other activity involving the consumption of alcohol which involves duress or encouragement related to the consumption of alcohol.

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

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

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

23. Stalking
The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to causes 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.

VII. SANCTIONS

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

A. Hearing Board/Officer Sanctions

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

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

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

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

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

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

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

8. No Contact Order: A directive that the sanctioned student shall stay away from other faculty, staff, or student(s) and shall not in any way communicate or interact with said named faculty, staff, or student(s).
9. Restriction Order: A directive restricting the sanctioned student from certain stated acts, activities, places, people or things.

10. Deferred Suspension: This sanction is imposed when the hearing officer/board has found the student(s) responsible for a violation sufficient to warrant suspension but feels there are mitigating circumstances that warrant one final chance. Being found responsible for another violation during the period of deferred suspension, no matter how minor, will result in immediate suspension.

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

B. Recommendations to President

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

1. Disciplinary Suspension:

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

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

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

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

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

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

   a. Students sanctioned with expulsion shall not receive credit for the semester in which the expulsion occurred and will be liable for all tuition and fees for that semester.
b. Student will not be allowed on the SUNY Potsdam campus as a student, guest, employee, or in any other role or for any other purpose without permission of the Director of Student Conduct and Community Standards.

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

NOTE: Conduct that leads to death or serious physical injury of another person including, but not limited to, hazing, physical abuse or Sexual Misconduct, will result in a permanent transcript notation indicating a disciplinary separation from the College. The transcripts shall read “Suspension – Disciplinary” or “Expulsion – Disciplinary”. Further, students found responsible for such violations shall not receive credit for the semester in which the suspension or expulsion occurred and will be liable for all tuition and fees for that semester.

VIII. CONDUCT HEARINGS

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

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

A. General Procedures for Individual Student Hearings

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

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

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

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

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

6. If charges are filed, the accused student shall have the following choices:

   a. an Administrative Agreement in Waiver of a Hearing with the Director of Student Conduct and Community Standards or designee
   b. a hearing before a Hearing Board or Hearing Officer, as directed by the student conduct charge letter, except in cases of reported Harassment or Sexual Misconduct.

7. Interim Suspension

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

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

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

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

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

• Whether the risk posed by the student is the result of a medical or mental health condition or disability.

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

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

• The reliability of the information concerning the student's conduct, including the matter of his or her identity;

• Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to others, or to the stability and continuance of normal College functions.

8. All effort will be made to ensure that the calendar of the disciplinary proceedings shall be set within three and ten days from the date of notification of the filing of formal charges by the Director of Student Conduct and Community Standards. The actual disciplinary hearing shall be scheduled in a manner that is both expeditious and fair to all parties. The accused student shall receive written notification of the date, time and place of the hearing.

9. If a violation of the Code of Conduct occurs when the College is not in session, when the Boards have not been formed, or when the end of the
semester precludes conformance to the established procedures, and an Administrative Agreement in Waiver of a Hearing is not a viable option, a hearing before a Hearing Officer shall be held in lieu of a Hearing Board. This determination shall be made by the Director of Student Conduct and Community Standards. In such cases, appeal from the decision of the Hearing Officer shall be to the Dean of Students.

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

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

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

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

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

15. Individual Student Hearing Procedures:

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

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

C. Digital recorder is turned on.

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

E. Explain use of the recording. A digital record is made in order to be available for an appeal. An appeal may be made within 4 working
days of receiving notification of the outcome of a hearing. The digital record will be kept only for the length of the appeal period, except in cases of suspension or expulsion.

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

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

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

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

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

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

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

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

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

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

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

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

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

O. Final comments made by Individual bringing forth charges.

P. Final comments made by student charged.

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

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

S. Turn off the digital recording.

T. All but board members leave the room.

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

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

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

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

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

3. that due process requirements have not been met;

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

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

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

2. that the sanction imposed by the initial hearing body was unreasonable.
A party charged with any offense under the Code may choose to waive, in writing, any of the rights attendant to these proceedings.

B. General Procedures for Organizational Hearings

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

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

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

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

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

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

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

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

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

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

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

13. Organization Conduct Hearing Process

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

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

C. Digital recorder is turned on.

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

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

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

G. Remind all parties of the following information:

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

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

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

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

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

H. Chair reviews the format of the hearing.

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

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

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

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

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

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

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

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

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

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

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

O. Final comments made by Individual bringing forth charges.

P. Final comments made by organization charged.

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

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

14. Past History

A. The past history of an organization will not be admissible in a hearing except in the following cases:
   1. A representative for the organization presents false information during the hearing about the organization’s past judicial and/or other history.

   2. If, in the past, the organization charged was found to have violated a similar policy (“Past Violation”), the information related to the Past Violation may be considered by the Hearing Board if:
      a. The previous violation was substantially similar to the present complaint; and
      b. The previous violation indicates a pattern of behavior and substantial conformity with that pattern by the organization charged.

15. Appeals

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

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

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

b. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known circumstances;

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

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

C. SUNY Potsdam Sexual Misconduct Policy, Process and Procedures

SUNY Potsdam is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation will not be tolerated. Specifically, SUNY Potsdam strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. These acts have a real effect on the lives of survivors. They not only violate a person’s feelings of trust and safety, but they can also substantially interfere with a student’s education. It is the policy of SUNY Potsdam that, upon learning that an act of sexual misconduct has taken place, immediate action will be taken to address the situation. This includes working with State and local law enforcement to bring possible criminal charges, seeking disciplinary action through the college/university, and enforcing mandatory transcript notifications so other institutions are on notice of the offense committed.

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

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

Community expectations related to sexual relations:

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

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

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

**CONSENT:** is the agreement to engage in specific sexual contact, which may be given by verbal agreement or active and willing participation in the sexual activity. Consent to sexual contact or any specific sexual act cannot be given if an individual is incapacitated or impaired because of a physical or mental condition or the ingestion of drugs or alcohol, or under the age of 17. Silence, previous sexual relationships, current relationships, or the use of alcohol and/or drugs is not an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity is evidence of lack of consent. Consent may be initially given, but it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness. Failure to cease sexual contact
promptly in response to a withdrawal of consent constitutes prohibited nonconsensual sexual contact. “No” or any other negative statement or acts/physical gestures supporting the desire to cease contact in response to sexual contact or an invitation to sexual contact will be regarded as a denial of consent to such sexual contact.

PROHIBITED CONDUCT: Sexual misconduct is a broad term encompassing any sexual behavior that was committed without effective consent. Sexual misconduct may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors that violate Potsdam’s community standards and values of respect, civility, and personal integrity. These behaviors are serious violations and represent a threat to the safety of the Potsdam Community.

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

**Domestic Violence:** any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the survivor, a person sharing a child with the survivor, or a person cohabitating with the survivor as a spouse or intimate partner.

**Sexual Harassment:** any unwelcome conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it unreasonable interferes with, denies, or limits someone’s ability to participate in or benefit from a program or activity. Examples & Information:

- Requests for sexual favors
- Unwelcome advances
- Sexist comments
- May occur in a single episode or be persistent behavior

**Sexual Misconduct**

- Any sexual act that occurs without the consent of the survivor, or that occurs when the survivor is unable to give consent, is prohibited.

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

To learn more about Potsdam’s Sexual Assault and other Forms of Harassment/Discrimination Policy go to:
http://www.potsdam.edu/offices/hr/affirmativeaction.cfm

**Stalking:** means intentionally engaging in a course of conduct, directed at a specific person, which is likely to causes 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.

**IF YOU BELIEVE THAT AN INCIDENT OF SEXUAL MISCONDUCT HAS OCCURRED:** A student who has experienced an incident of sexual misconduct should seek help, support and information immediately. There are many sources for information, assistance and support. If you have experienced an incident of a sexual misconduct you should consider the following immediate actions:

- Contact University Police
- Don't blame yourself; this was not your fault.
- Get to a safe place as quickly as possible.
- If you can, avoid showering, bathing, douching, urinating, or cleaning up in any way. This will prevent the loss of valuable evidence, though evidence can still be collected even if you do. Do not wash any clothes, towels, or sheets that may contain evidence. Preserve all evidence in a paper bag (not plastic) or deliver directly to law enforcement.
- Consider notifying a member of the Sexual Incident Response Team (SIRT), which includes Counselors, Resident Assistants, Resident Directors, Wellness Advocates, Affirmative Action Officer, Student Conduct office and University Police. Many of these resources have after-hours and emergency contacts.
- Go to Student Health Services or Canton Potsdam Hospital.
• Utilize College and community resources for immediate and long-term assistance.

**Statement of Confidentiality:** SUNY Potsdam will protect the privacy of all parties of a complaint or other report of sexual harassment and sexual violence to the extent possible. When SUNY Potsdam receives complaints of sexual harassment or sexual violence, it has an obligation to respond in a way that limits the effects of the sexual harassment and sexual violence and prevents its recurrence. Information will be shared as necessary in the course of an investigation with people who need to know, such as investigators, witnesses and the accused. If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. Staff members at resource locations are obligated by law to maintain confidentiality, including the counseling center and the local rape crisis center off-campus.

**Reporting Sources:**

SUNY Potsdam is committed to creating an environment in which students who have experienced an incident of sexual misconduct are encouraged to come forward and make a report. Members of the Potsdam community are strongly encouraged to seek support and information from available reporting sources. Immediate reporting is essential for the protection of students. All sources will provide the reporting student with information about obtaining support, resources and the process associated with making a report or a formal complaint with the college or a law enforcement agency.

Reporting may help you to gain some control over the situation and make informed decisions using information provided by the reporting source. Your prompt reporting will not only benefit and support you, but will also help the College in maintaining a safe community.

**Confidential Reporting Sources:** Confidential Reporting Sources are those individuals who, by law, are obligated to maintain confidentiality of the disclosure of sexual misconduct. These individuals are not required to re-disclose information shared with them other than in very extreme and unusual circumstances involving evidence of a serious and imminent threat to the individual making the report or to an identifiable third party. These individuals will also provide students with information about the process associated with making a report or a formal complaint with the College or with a law enforcement agency. Confidential Reporting Sources include:

• Counseling Center
• Student Health Services
• Campus Ministry
• Title IX
College Reporting Sources: College Reporting Sources are individuals who are trained to provide students with information and assist with obtaining information and support from available resources at the College and in the Potsdam community. College Reporting Sources will also provide students with information about the process associated with making a report or a formal complaint with the College or a law enforcement agency. Although these reporting sources will endeavor to maintain the privacy of the matter and the individuals involved, they may be required to disclose necessary information that is disclosed to them to other College officials. In some circumstances, College Reporting Sources may also be responsible for initiating an investigation of the reported sexual misconduct. College Reporting Sources include:

- Members of the Sexual Incident Response Team
- Dean of Students
- Wellness Advocates
- Resident Directors
- Resident Assistants
- Student Conduct Office
- University Police
- Title IX

Campus Resources: Other campus resources are individuals who can assist with obtaining information and support about available resources at the College. Although these reporting sources will endeavor to maintain the privacy of the matter and the individuals involved, they may be required to disclose necessary information that is disclosed to them to other College officials. The following Campus Resources include:

- Faculty
- Coaches and Athletic Trainers
- Student Organization Advisors
- Center for Diversity
- Bias Response team members

Peer to Peer Campus Resource: The Wellness Advocates are peer counselors trained by the College Counseling Center. They are a group of students available for reporting incidents of sexual misconduct and obtaining support after incidents of sexual misconduct. The Advocates are a safe group for students to discuss a variety of topics including sexual misconduct, sexual violence, unhealthy relationships and sexual health. The Wellness Advocates can help students get help from on and off campus resources.
Wellness Advocates are mandated to report, for *statistical purposes only*, all incidents of sexual misconduct that are disclosed to them. This report is made to University Police and will not include any information that could identify the reporting student. However, when a Wellness Advocate reasonably believes that an individual’s safety is at risk, they will discuss the report with members of the College Counseling Center staff to determine what information from the report must be shared with administrators at the College responsible for ensuring individual as well as campus safety. In these situations, Wellness Advocates will make every effort to let the student know in advance and offer to go with the student to help facilitate an appropriate campus response.

**Important Reporting Sources Information:**

- College Counseling Center: 315-267-2330; (8 a.m. - 4:30 p.m. Monday - Friday)
- Student Health Services: 315-267-2377; (8 a.m. - 4:30 p.m. Monday - Friday)
- Office of Conduct and Community Standards: 315-267-2579
- University Police: 315-267-2222; 365/24/7
- Residence Hall Director available through your Resident Assistant
- Wellness Advocates: 315- 261-8942 OR 315-261-8873
- Title IX Office: 315- 267-3372

**Off Campus Reporting Sources:**

- Reachout 24-hour crisis intervention hotline: 315-265-2422
- Canton-Potsdam Emergency Room: 315-265-3300
- Canton Planned Parenthood: 315-386-8821
- NYS Sexual Violence Hotline:
  - English: 1-800-942-6906
  - Spanish: 1-800-942-6908
  - English TTY: 1-800-818-0656
  - Spanish TTY: 1-800-780-7660

**Resources for Ongoing Assistance:** The information below provides contacts for trained on- and off- campus advocates who can provide on-going counseling, advocacy, and support following an incidence of sexual misconduct.

- University Police: 315-267-2222; 365/24/7
- College Counseling Center: 315-267-2330; (8 a.m. - 4:30 p.m. Monday - Friday)
• Student Health Services: 315-267-2377; (8 a.m. - 4:30 p.m. Monday - Friday)
• Student Success Center 315-267-2580 (8 am - 4:30pm Monday – Friday)
• St. Lawrence Valley Renewal House 24 hour Hotline: 315-379-9845; http://www.slvrenewalhouse.org
• Reachout 24-hour crisis intervention hotline: 315-265-2422

Academic Accommodations: The college/university is committed to ensuring the safety and well-being of the survivor. A student who has been a survivor of sexual misconduct may request an academic accommodation or change in residence after a report of sexual misconduct. Any individual who makes a request will receive appropriate and reasonable accommodation. Possible requests include the ability to change academic schedules or work schedules, withdraw from or retake a class without penalty, access academic support such as tutoring services, and change residence hall assignments.

Interim Measures: In situations where it is necessary, the college/university will take immediate steps to protect survivors pending the final outcome of an investigation. These steps include the accommodations listed above in addition to issuing no contact orders. Pending resolution of the complaint, the accused may be prohibited from contacting the survivor and may be placed on interim suspension or denied access to campus. Also, the college/university may change the course schedule or residence assignment of the accused. Please refer to the Student Code of Conduct for disciplinary procedures related to acts of sexual misconduct.

STUDENT CONDUCT PROCESS FOR SEXUAL MISCONDUCT:

Definitions of Participants:

Accused student: Any student accused of violating this Student Code.

Student: Any person who submits a statement alleging that a student violated this Student Code.

Consent: is the agreement to engage in specific sexual contact, which may be given by verbal agreement or active and willing participation in the sexual activity. Consent to sexual contact or any specific sexual act cannot be given if an individual is incapacitated or impaired because of a physical or mental condition or the ingestion of drugs or alcohol, or under the age of 17. Silence, previous sexual relationships, current relationships, or the use of alcohol and/or drugs is not an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity is evidence of lack of consent. Consent may be initially given, but it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness. Failure to cease sexual contact promptly in response to a withdrawal of consent constitutes prohibited nonconsensual sexual contact. “No” or any other negative statement or acts/physical gestures
supporting the desire to cease contact in response to sexual contact or an invitation to sexual contact will be regarded as a denial of consent to such sexual contact.

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

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

Force: the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

Non-consensual sexual contact: Any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force.

Non-consensual sexual intercourse: Any sexual intercourse, however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Retaliation: Any action by any person that is perceived as intimidating, hostile, harassing, retribution, or violent that occurred as a result of the making and follow-up of a report of a violation of this code of conduct.

Sexual Assault: Sexual assault is any physical sexual act or acts committed against a person’s will and consent or when a person is incapable of giving active consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape,” whether forcible or non-forcible, “date rape” and “acquaintance rape.”

Sex discrimination: Sex discrimination is any behaviors and actions that
deny or limit a person’s ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person’s sex. This includes, but is not limited to, sexual harassment, sexual assault, sexual violence by employees, students, or third parties.

**Sexual exploitation**: Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one’s genitals in non-consensual circumstances;
- Inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

**Sexual harassment**: unwelcome conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it unreasonable interferes with, denies, or limits someone’s ability to participate in or benefit from a program or activity.

**Sexual violence**: Sexual violence is any physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent.

**Stalking**

The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to causes 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.

**Filing of a Formal Complaint**: Any person who has experienced an incident of sexual misconduct by a SUNY Potsdam student, faculty or staff member can file a formal complaint with the Office of Student Conduct and Community Standards in the
Responding to a Formal Complaint:

SUNY Potsdam will conduct a timely review of all complaints of domestic violence, dating violence, stalking, sexual misconduct and/or sexual assault. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint.

The student charged shall receive written notification of the filing of a formal complaint, along with a copy of the formal complaint, after the complaint has been received by the Office of Student Conduct and Community Standards. The student charged will meet with the Director of Student Conduct and Community Standards generally within 3 business days after receiving the complaint in order to discuss the nature of the complaint, the rights and responsibilities of the student charged and the student conduct process. The student charged shall receive a written copy of this policy at that time.

Prehearing Process:

- The College reserves the right to extend any time periods identified in this policy.
- All relevant reports, witness statements, complaint forms, student charged statements and other relevant written materials are to be shared with the student charged and survivor at least 3 business days prior to the hearing.
- Once the student charged has been notified of the formal written complaint, the student charged and survivor will be kept informed of all developments and will be advised of the procedures that will guide the resolution of the complaint.
- The student charged and survivor will be informed in writing of the date and time of the hearing.
- The student charged and survivor shall have the opportunity to make a request to the Director of Student Conduct and Community Standards for witnesses to testify on their behalf. The Director of Student Conduct and Community Standards shall determine which witnesses shall testify based on the relevance of their testimony.
- Any scheduling requests must be directed to the Director of Student Conduct and Community Standards.
- If a sexual misconduct case is also being heard by a civil or criminal court, the College retains the right to hear the case before, after or during the same time as the civil or criminal case, and to implement appropriate action (such as No Contact Orders, removal from campus residence facilities, removing a student
from a class or classes or Interim Suspension) to maintain the safety of the campus.

- The Student Conduct Process shall be confidential to the extent possible and as allowed by law.

Rights of Both the Student charged and Survivor:

- The right to request a Campus No Contact Order against another student who presents a danger to the welfare of the requesting student or others.
- The right to have an advisor accompanying and assisting throughout the Student Conduct Process. This advisor can be any member of the Potsdam community of the student’s choosing, a student’s parent, or an attorney (provided at the student’s own cost). The advisor may not take part directly in the hearing itself, though they may confer with the student as necessary.
- The right to a reasonable investigation and appropriate resolution of all credible formal complaints.
- The right to bring an advisor to all phases of the investigation and hearing.
- The right to receive written notice of the outcome and sanction(s) of the sexual misconduct hearing.
- The right to have a hearing unless the incident was resolved through an Administrative Agreement in Waiver of a Hearing.
- The right to appeal the finding and sanction of the Hearing Board in accordance with the provisions of this policy.
- The right to petition that any member of the Hearing Board be removed on the basis of bias.
- The right to present relevant witnesses as defined by the Hearing Board.
- The right to be present for all testimony given and evidence presented before the Hearing Board.
- The right to be informed in advance of any public release of information regarding the formal complaint to the extent possible and as allowed by law.
- The right to be free from retaliation.

Special Procedures:

- False Reports: The College will not tolerate intentional false reporting of incidents. It is a violation of the Code of Students Rights, Responsibilities and Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.
- Notification of Determination: The determination made after a hearing is part of the education record of the student charged, and is protected from disclosure under Federal law.
  - Survivors shall be informed of the formal complaint against the student charged, the determination made after a hearing, any sanctions imposed and any appeal and its outcome.
  - Alternative Arrangements: Survivor has the right to request alternative arrangements. These alternative arrangements must be consistent with
the rights of the accused. Accordingly, alternative arrangements must enable both parties and the hearing panel to hear each other.

- Past Sexual History/Character: The past sexual history or sexual character of a student charged will not be admissible in a Sexual Misconduct hearing unless the student charged was found to have violated the Sexual Misconduct Policy ("Past Violation"), the information related to the Past Violation may be considered by the Hearing Board if:
  - The previous violation was substantially similar to the present complaint; and
  - The previous violation indicates a pattern of behavior and substantial conformity with that pattern by the student charged.

- The burden of proof in all cases is "the preponderance of evidence"—whether it is "more likely than not" that the incident occurred. If the evidence presented meets this standard, then the respondent must be found responsible.

The University is firmly committed to a policy that encourages timely disclosure of sexual misconduct. Any person, who, in good faith, reports sexual misconduct will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, suspension or discharge from an educational opportunity or employment, or any other forms or means of discrimination because this person reported alleged sexual misconduct.

HEARING PROCESS

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

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

- Digital recorder is turned on.

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

- Explain use of the digital recording. A digital recording is made in order to be available for an appeal. An appeal may be made within 4 working days of receiving notification of the outcome of a hearing. The digital recording will be kept only for the length of the appeal
period, except in cases of any form of separation from the institution.

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

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

- Chair reviews the format of the hearing.

  1. Both parties have the opportunity to make an opening statement.
  2. After each opening statement, witnesses will be asked to participate.
  3. At the appropriate time during the hearing, each party will have the chance to question the other and all witnesses.
  4. Board members may ask questions throughout the hearing.
  5. Both parties can make final statements.
  6. Finally, there will be a time for the board and either party to ask final questions to help everyone understand the incident.
• Witnesses are asked to leave the room. In most cases, witnesses are asked to wait outside the hearing room. They are called in individually to explain whatever information they might have regarding the incident.

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

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

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

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

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

• Final comments made by College or survivor.

• Final comments made by Student charged.

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

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

- Turn off the digital recorder.

- All but board members leave the room.

**Appeals**

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

- Appeals may be filed by the Director of Student Conduct and Community Standards or designee on the following grounds only:

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

  2. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known circumstances.

  3. An appeal may be filed by the responsible student or survivor on the following grounds only:
      a. that the initial hearing body failed to observe the procedural requirements established by this Code;
      b. that the sanction imposed by the initial hearing body was clearly unreasonable in light of the known circumstances;
      c. that new evidence has appeared, that was not available at the time of the hearing, which could have substantially affected the initial decision.
The non-requesting party will receive notice of the appeal and may submit either his or her own appeal or a written response to the requesting party’s appeal within 4 days, which the appeals board will consider together.

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

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

The decision of the appeal board is final.


IX. ADMINISTRATIVE PROCESS

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

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

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

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

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

B. VACANCY: All effort shall be made to ensure that vacancies shall be filled by the Student Conduct Council within twenty (20) days of the date of the actual vacancy.
C. HEARINGS: Hearings are prescribed by the Code and may be held before the following: Hearing Board or Hearing Officer.

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

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

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

**The Appellate Board** - This Board is empowered to hear all appeals according to Section IX, 19. The Appellate Board may review a case, deny review, remand to the disciplinary body below with or without instructions to include the choice of Hearing Officer or Board should that option not have been originally available, and/or alter the sanctions imposed below.

The Appellate Board may not alter or reverse a disciplinary agency's decision on any grounds other than those outlined in Section IX, 19. The burden of establishing that standard has been met rests on the party making the appeal. Further, the Appellate Board may not alter or reverse the decision of the disciplinary agency on any grounds other than that specifically cited as the basis of the appeal.

The Appellate Board shall consist of two students, two members of the faculty, and one staff member according to the procedures outlined in Section X, A.
The Appellate Board can impose any of the sanctions set forth in Section VIII, or any combination thereof of this Code.

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

D. Resolving a Complaint by Mediation

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

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

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

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

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

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

Revised: June 2014

Sections of this Code, in part or in whole, come from the SUNY Cortland, SUNY Delhi and SUNY Oswego Code of Student Conduct and A 21st Century Model Student Conduct Code by Edward N. Stoner II and John Wesley Lowery. This was done with permission. Special thanks for the guidance received from those documents.