

SUNY College at Old Westbury • Code for Student Conduct (Revised June 2010)

The Code for Student Conduct contained on the following pages is comprised of rules and regulations designed by SUNY College at Old Westbury to meet its particular needs and expectations. This code has been instituted in accordance with the power vested in the Old Westbury College Council by the State University of New York Board of Trustees to devise such codes to supplement the Rules and Regulations for the Maintenance of Public Order.

The Code for Student Conduct of SUNY College at Old Westbury is intended to protect the rights, personal security, and property of individuals and groups within the college community as well as the college community as a whole. Further, its intent is to restrain behavior which is detrimental to learning or contrary to the goals of the college. The Code for Student Conduct informs members of the College community of the conduct expected, prohibited conduct and disciplinary procedures and sanctions applicable for violations of this Code.

This Code is applicable to all students of the College. Students of the College are those who are registered for classes. In addition to this Code, there are specific rules and regulations governing campus-operated housing, which can be found in the Guide to Campus Living.

Clery Notice: At the State University of New York College at Old Westbury, the safety and well being of our students, faculty and staff is always a primary concern. The University Police Department has primary responsibility for safety on campus, however a truly safe campus can only be achieved through the cooperation of students, faculty and staff. Each year the college prepares a College Campus Safety Report which addresses safety issues on campus and details crime statistics for that and the previous two years. It is very important for all members of the College community to examine the information supplied in the Campus Safety Report. A review of the report will help develop and maintain a safe environment for all on campus. The report is published by October 1st of each year and can be found in hard copy throughout the campus and at University Police Headquarters and can also be located on the College web site in the University Police section. In addition more information can be found regarding the Clery Act at <http://ope.ed.gov/security>.

Section 1 -- Expected Conduct

SUNY College at Old Westbury expects that all students will conduct themselves lawfully, maturely, and responsibly. Student behavior may not interfere in any way with the appropriate functions of the College, nor may student behavior infringe on the rights and privileges of any other person.

As with all communities, Old Westbury can be a healthy, safe, enjoyable and productive place only if it has the good will and cooperation of its major constituency, its students. Rather than restricting the rights of students, this Code for Student Conduct ensures that those rights are enjoyed by all. It simply calls for respecting the property of other students and the College; safeguarding individuals from harassment or physical harm; obeying the laws which apply to all communities; and respecting the rights of all to engage in social, educational, and recreational activities without disruption.

Section 2 – Judicial Authority

Overall disciplinary authority is vested in the Vice President for Student Affairs, as the appointed designee of the College President. The Vice President for Student Affairs may designate a person or office to administer the Code for Student Conduct, who would then be known as the Hearing Officer.

The Vice President for Student Affairs has the ultimate responsibility for the judicial process. His/her actions may include any or all of the following:

- Issue or authorize another member of the College staff to issue, Memoranda of Understanding and/or Interim Suspensions in those instances where the well-being of students, faculty, staff and/or property is deemed at immediate risk by appropriate College personnel.
- Place or authorize another member of the College staff to place students on Interim Suspensions pending a hearing. An **Interim Suspension** may result in the accused student's immediate exclusion

from classes and/or the residence halls and/or all other College privileges or activities, pending a hearing. Depending on the nature and/or severity of the violation of the Code for Student Conduct, it may be determined that the student receiving an Interim Suspension may be allowed to attend classes pending the completion of the campus judicial process. If, however, the Interim Suspension includes exclusion from classes, the accused student's case will be given priority status and a hearing will be scheduled as promptly as possible. Interim Suspensions will only be imposed to insure the safety and well being of members of the College community or College property or to insure the student's own physical or emotional safety and well-being. If a student seeks an appeal following his/her initial hearing, the period of interim suspension may be extended by the Vice President for Student Affairs or his/her designee until the student has exhausted all avenues of appeal.

- Render final decisions on all appeals.

The Hearing Officer has administrative responsibility for the judicial process. His/her actions may include any or all of the following:

- Conducting an investigation(s) into allegation(s) of student misconduct. Said investigation may include a Disciplinary Conference (either in person or via telephone) whereby the accused is informed of the charge made against him/her, his/her rights under the campus judicial process, and potential sanctions. Unjustified failure to respond to notification of a Disciplinary Conference may result in additional charges and/or the case being sent for a disciplinary hearing and appropriate consequences imposed. Refusal to accept and/or sign for written communication regarding violations and/or charges does not preclude responsibility for the charges.
- Processing a charge of student misconduct if warranted.
- Issuing disciplinary sanctions in those cases where the accused acknowledges responsibility in writing and agrees to an administrative issuance of sanction (hereinafter referred to as an Administrative Hearing).
- Assigning the case to the College Judicial Board.

Section 3 – The Judicial System

The judicial system provides for adjudication of violations of the Code for Student Conduct and/or the *Guide to Campus Living*. An Administrative Hearing will be held for a student who admits responsibility, thereby eliminating the need for a Hearing in front of a College Judicial Board. In such cases a sanction (or sanctions) will be proposed by the Dean of Students (or designee), or the Campus Judicial Officer, or a designee from the Office of Residential Life. If accepted, the sanction(s) will not be subject to appeal.

If the student does not admit responsibility, or if the severity of the case may result in suspension or expulsion from the College, the student's case will be heard by a College Judicial Board.

A College Judicial Board shall be comprised of six Board members solicited from a standing panel of representatives from the following constituencies:

- Students: at least ten to be appointed by the Student Government Association.
- Faculty: a pool of twenty-five to be appointed by the Faculty Senate.
- Staff: at least ten to be appointed by the College President. Counseling Center staff members are ineligible to serve.

Every effort possible will be made to ensure student, staff and faculty representation on each College Judicial Board. If, however, a particular constituency is unavailable to serve, the case will be heard by a College Judicial Board consisting of a reasonable mix of the two available constituencies in order to ensure the accused student's right to a timely Hearing.

In the event the appropriate number of panelists has not been assigned to the panel by the Student Government Association and/or the Faculty Senate,

or in those cases where multiple members of the panel are unable to serve during a particular case due to extenuating circumstances, the College President or designee shall have the right to identify alternate students and/or faculty to hear the case.

As determined by the Dean of Students some violations occurring in the Residential Halls will result in an Administrative Hearing or Judicial Board hearing adjudicated by members of the Office of Residential Life staff as assigned by the Director of Residential Life or designee. Infractions that fall into this category include, but are not limited to:

- Illegal parties
- Visitation violations
- Minor Harassments of a non-sexual and/or non-violent nature
- Minor room damage
- Failure to participate in fire drills and abide by other safety regulations
- Lesser degrees of disorderly conduct
- Noise violations
- Failure to comply with requests or directives of Residential Life staff
- Building damage

The Dean of Students or designee determines which violations are adjudicated by the Hearing Officer and which are adjudicated by the Residential Life staff.

Section 4 – Prohibited Conduct

Section 4 defines acts that are deemed violations of the Code for Student Conduct. Violations will result in a charge of misconduct, resulting in an Administrative Hearing, a Judicial Hearing or a Residential Life Hearing. In those cases where the Vice President for Student Affairs or designee deems it appropriate, the accused student may be placed on Interim Suspension (see Section 2 for definition).

A. CONDUCT WHICH IMPACTS ON THE COMMON GOOD OF THE COMMUNITY

4.A.1 Keys. Unauthorized possession, duplication, or use of keys (including proximity cards) to any College premises.

4.A.2 Unauthorized Entry. Unauthorized entry to or use of a College or private room, building, structure, vehicle, or facility.

4.A.3 Disorderly Conduct. Conduct which is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community.

4.A.4 Dangerous Objects. Possession of any firearms, knives, explosives, other weapons, or dangerous chemicals, whether in proper working condition or not.

4.A.5 Safety Regulations. Including but not limited to:

- a. Falsely reporting a bomb, fire, or any other emergency by means of activating a fire alarm or by any other means.
- b. Unauthorized possession, use, or alteration of any College emergency or safety equipment.
- c. Failure to evacuate a building or other structure during an emergency, or during emergency drills.
- d. Actions that create a substantial risk that the safety of an individual(s) is compromised.

4.A.6 Arson. Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances.

4.A.7 Disruption. Including but not limited to

- a. Disruption or obstruction of teaching, research, administration, or other College activities, including its public-service functions on or off campus, or other authorized non-College activities.
- b. Leading or inciting others to disrupt activities associated with the operations of the College.

- c. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College- sponsored or supervised functions.

4.A.8 Threats and Intimidation. Act(s) which recklessly or intentionally endanger(s) the mental or physical health of any individual and/or results in a cessation of normal activities and operations of the College.

4.A.9 Bias/Hate Crimes.

It is a State University of New York at Old Westbury University Police mandate to protect all members of the College at Old Westbury community by preventing and prosecuting bias or hate crimes that occur within the campus's jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics such as race, religion, ethnicity, gender, sexual orientation, or disability. Hate based crimes have received renewed attention in recent years, particularly since the passage of the **Federal Hate/Bias Crime Reporting Act of 1990** and the **New York Hate Crimes Act of 2000 (Penal Law Article 485)**. Copies of the law are available in the Office of the University Police at the college.

4.A.10 Failure to Abide by Federal, State, and/or Local Laws.

Violation of federal, state, and/or local laws.

4.A.11 College Policies. Violation of published College policies, rules, and regulations (i.e. Guide to Campus Living, College non-discrimination policy, etc.).

B. CONDUCT ASSOCIATED WITH PERSONAL RESPONSIBILITY AND INTEGRITY

4.B.1 Acts of Dishonesty. Including but not limited to:

- a. Providing false information to any College official, faculty member or office.
- b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
- c. Tampering with the election of an officer of any College-recognized student organization.
- d. Aiding, abetting, or procuring another person to violate a College policy.

Policies regarding academic dishonesty are not covered by this Code.

4.B.2 Student Identification. Failure to show proper student identification or other identification to any faculty, staff, or student-staff in the performance of her/his official duties. All students are required to carry their identification with them at all times.

4.B.3 Failure to Comply. Failure to comply with reasonable and lawful requests or directives of College officials or law enforcement officers acting in the performance of their duties and/or interference with faculty, staff, or student-staff acting in the performance of their official duties.

4.B.4 Damage to Property. Any action that causes damage or which would tend to cause damage to the property of the College or property of a member of the College community or other personal or public property.

4.B.5 Theft. Including but not limited to:

- a. Attempted or actual theft of College property or services or property belonging to any member of the College community.
- b. The unauthorized possession of College property or property belonging to any member of the College community.
- c. Unauthorized use or abuse of computer time and/or computer systems, information, passwords, or computerized data.
- d. Obtaining or attempting to obtain telephone service by any devious means, including but not limited to: unauthorized

charging of another person for service, utilizing fraudulent mechanical means to gain service, and/or tampering with connections, facilities, or documents.

4.B.6 Alcohol. Possession, sale, consumption, forcing others to consume, other use of alcoholic beverages, or being knowingly in the presence of alcohol on College property or at College-sponsored or supervised functions, regardless of age, is prohibited. In addition to possible judicial sanctions, students who are suspected of alcohol consumption and/or problematic behavior that can be associated with alcohol consumption may be required to submit to a substance abuse evaluation to be accomplished by the student Counseling Center or referred to specialized addiction treatment centers. Participation in a treatment program may be required.

4.B.7 Drugs. Possession, sale, consumption, distribution or being knowingly in the presence of narcotics or other controlled substances is prohibited except as expressly permitted by law. Further, any items that can be utilized for or are designed for the use of drugs (i.e. bowls, bong, etc.) are not allowed on campus property. Any items possessed which are fashioned for the purpose of drug use will also be considered a violation of this policy.

Good Samaritan Policy:

Abuse of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. In all instances, the College is concerned that those in need receive prompt medical attention. The College cannot guarantee absolute immunity from sanctions associated with violations of the Code or state and federal law. However, efforts will be made to mitigate sanctions associated with alcohol and other drug offenses for "Good Samaritans." These considerations apply only to the individual(s) who may have contributed or participated in the use and abuse of alcohol or other drugs, but summoned aid.

4.B.8 Gambling. Gambling on College property or at College-sponsored or supervised functions is prohibited.

4.B.9 Abuse of the Judicial System. Including, but not limited to:

- a. Failure to obey the summons of a judicial body or College official.
- b. Falsification, distortion, or misrepresentation of information before a judicial body.
- c. Disruption or interference with the orderly conduct of a judicial proceeding.
- d. Institution of a judicial proceeding knowingly without cause by filing a false report or statement.
- e. Attempting to discourage an individual's proper participation in, or use of, the judicial system through intimidation or any other means.
- f. Attempting to influence the impartiality of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- h. Influencing or attempting to influence another person to commit an abuse of the judicial system.

4.B.10 Electronic Use Policy. Misuse or abuse of the college computer system, voice mail or telephone services as defined by the college. This includes but is not limited to:

- a. Unauthorized use or abuse of your computer account (i.e. Digital Millennium Copyright Act)
- b. Sending or posting online abusive or threatening messages to students, faculty, or staff.
- c. Repeatedly sending messages with no appropriate intent (i.e. spam, etc.).

- d. Accessing a student or staff account without authorization.
- e. Using a college office computer account without authorization.
- f. Failure to comply with college policies on computer, voice mail or telephone service.
- g. Violation of provisions within the SUNY College at Old Westbury Code of Computer Ethics and Computer Network Usage Policy (available at <http://www.oldwestbury.edu>)
- h. Digital Millennium Copyright Act (DMCA)

Copyright infringement is any reproduction (download), display, distribution (upload), creation of derivative works, or public performance of copyrighted material without permission of the copyright owner or unless there is an applicable statutory exception or limitation.

In accordance with the DMCA, College policy forbids the copying, distribution, downloading, and uploading of copyrighted materials on any personal or College computer system. These materials include, but are not limited to, text (including e-mails and web information), graphics, art, photographs, music, film, and software.

Disabling the file sharing component on your peer-to-peer software (instructions for programs available at http://security.uchicago.edu/peer-to-peer/no_filesahre.shtml) limits network utilization by off-campus users, will improve the performance of your system, and conserve University bandwidth for use by other students.

To report alleged copyright infringements on University web sites, please contact the campus Judicial Officer.

Violations of this policy will be adjudicated by the campus Judicial Officer.

4.B.11 Solicitation and Posting. All selling and soliciting of merchandise and services without authorization on College property is prohibited.

Also prohibited is the advertising of such solicitation or sale, as well as any posted materials in common areas that are not specifically approved by the College.

C. CONDUCT WHICH VIOLATES THE DIGNITY AND/OR SAFETY OF AN INDIVIDUAL

4.C.1 Harassment. Harassing conduct includes actions which are intended to annoy, intimidate and/or alarm another or a knowing course of conduct directed at another person which reasonably and seriously alarms, torments or terrorizes that person including stalking. Stalking is defined as any behavior wherein an individual willfully and repeatedly engages in a knowing course of harassing conduct directed at another person which reasonably and seriously alarms, torments, or terrorizes that person.

Harassment on the basis of any protected characteristic is strictly prohibited. Under this policy, harassment is verbal or physical conduct that must be severe, pervasive and objectively offensive which denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, national origin, age, disability, citizenship, sexual orientation, marital status or any other characteristic protected by law.

Note: The College's Non-Discrimination/Anti-Harassment Policy can be found in the College Catalog and Student Handbook, as well as on the College website.

4.C.2 Sexual Harassment. Sexual harassment may include a range of subtle and not so subtle behaviors which must be severe, pervasive and objectively offensive and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or

circulation on the campus of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

4.C.3 Sexual Assault.

a. Engaging or attempting to engage in unwanted sexual behavior toward any individual including but not limited to such sexually specific behaviors as touching, pinching, exposing oneself, and pressing up against.

b. Engaging or attempting to engage in sexual intercourse or other sexual behavior with any individual if such behavior is against the will or without the consent of that person.

c. Engaging or attempting to engage in sexual intercourse or other sexual behavior with someone who is physically helpless (e.g. drunk and/or under the influence of a substance or substances rendering them helpless), unconscious, or otherwise incapacitated or unable to accurately communicate unwillingness or to give consent to an act.

4.C.4 Hazing. Any action which endangers the mental, emotional, or 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 the State University of New York College at Old Westbury.

Note: A person commits a hazing offense if the person engages in hazing; solicits, encourages, directs, aides or attempts to aid another engaging in hazing; or intentionally, knowingly, or recklessly permits hazing to occur.

Examples of Hazing include such behavior as: beating, branding, whipping, forced calisthenics, marching, walking on line, wearing uniforms, exposure to harsh elements, forced consumption of alcohol or non-alcoholic beverages, drugs, or other forced activities which adversely affect the mental health or dignity of the person.

Campus Organizations which authorize or condone hazing will be denied permission to operate on College property. Additionally, SUNY Old Westbury reserves the right to revoke recognition of any organization which is found to have violated federal, state, or College rules and regulations on hazing.

Hazing Sanctions: Violations of hazing shall result in a minimum of suspension from the College for one academic year; or may result in a maximum of expulsion from the College, depending upon the severity of the incident. A student found responsible for this policy violation shall **not** receive credit for the semester in which the suspension or expulsion occurred, and shall be liable for all tuition and fees due to the College for that semester. In addition to sanctions imposed upon a student for a violation of hazing, the student may also be charged with violating federal, state or local laws.

Permanent Transcript Notation Policy (PTN): Students who are suspended or expelled for hazing will have their judicial sanction permanently noted on their academic transcript.

4.C.5 Physical Assault. Including but not limited to:

- a. Inflicting bodily harm upon any person.
- b. Taking any action for the purpose of inflicting harm upon any person.
- c. Threatened use of force upon any person.
- d. Subjecting another person to unwanted physical contact.

4.C.6 Reckless Endangerment. Taking any action that creates a substantial risk such that bodily harm could result to any person. These include but are not limited to:

- a. Objects or people on window ledges.

- b. Use of weapons of any kind for any purpose.
- c. Throwing objects.
- d. Use of fireworks.
- e. Jeopardizing the physical or emotional safety of oneself or another.

The State University of New York College at Old Westbury has programs in place to protect all members of the College community from sexual assault and sexual harassment, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of SUNY University Police at the College at Old Westbury.

4.C.7 Involuntary Evaluation and Medical Leave Policy

Evaluation Procedures

Students whose behavior appears to pose a significant risk of substantial harm to the health or safety of themselves or others may be in violation of the Code For Student Conduct and may be subject to the following extraordinary procedures, including parental notification.

A. Medical and/or Psychological Evaluation

The Dean of Students (designee) may direct a student to participate in a medical and/or psychological evaluation whenever the behavior of the student appears to pose a significant risk of substantial harm to the health or safety of such student or others. The medical and/or psychological evaluation is conducted by the Director of the College Counseling Center or designee and is intended to assess:

1. Whether the student's behavior poses a significant risk of substantial harm to the health or safety of the student or others, and the nature, duration and severity of the risk.
2. Whether the significant risk of substantial harm to the health or safety of the student or others would continue if the student remains on the campus and/or in the residence halls.
3. Whether reasonable modifications of policies or procedures will mitigate the risk.
4. Whether the student needs assistance or referral to appropriate support or treatment services.

Failure to respond to a directive from The Dean of Students (designee) to complete the medical and/or psychological evaluation, or failure to provide necessary records of prior treatment by the date requested may result in administrative action, up to and including temporary suspension from the College and/or the residence halls until the evaluation and records request requirements are met.

B. Withdrawal Prior to Evaluation

The student, who leaves, withdraws or fails to return to the College before the medical and/or psychological evaluation is completed may not be permitted to register for classes until the outstanding matter is resolved.

C. Withdrawal by Administrative Action

The Vice President for Student Affairs (designee) may initiate the administrative withdrawal from the College or residence halls of any student for behavior that poses a significant risk of substantial harm to the health or safety of such student or others.

Administrative withdrawal determination shall be made by the Vice President for Student Affairs (designee) taking into consideration the nature and severity of the potential harm, the imminence of the potential harm, the likelihood that the potential harm will occur, the duration of the risk, the ability to mitigate the risk and the impact on others in the campus community. This determination will be based on an individualized assessment of the ability of the student to function safely at the College. Students may challenge the withdrawal through the submission of a written appeal to the Vice President for Student Affairs (designee) supported by medical and/or mental health professional documentation. Administrative withdrawal actions may be reconsidered by the Vice President for Student

Affairs (designee) at regular intervals upon the written request of the student. The Vice President for Student Affairs (designee) may elect to appoint an independent medical and/or mental health professional or a panel of professionals to provide advice to the Vice President for Student Affairs (designee) with respect to administrative withdrawal determinations.

D. Return to the College

Students may not return to the College and/or residence halls until the College Counseling Center has received and evaluated documents and completed a College evaluation indicating that the student no longer poses a significant risk of substantial harm to the health or safety of such student, or others. Registration and/or housing assignment is not permitted until readiness to return to school has been thoroughly evaluated.

E. Application of Code for Student Conduct

The application of these evaluation procedures will not pre-empt disciplinary action under the terms of this Code for Student Conduct. If the behavior in question continues, the individual may be subject to the procedures outlined in the Code for Student Conduct, or may elect to withdraw voluntarily.

Section 5 – Due Process

The College at Old Westbury guarantees the right of a fair and impartial hearing to any student charged with a violation. No student shall be subjected arbitrarily to any disciplinary action for any offense without being given a fair hearing. The only exception to this practice may occur in the case of an Interim Suspension (see detailed description in Section 2) which may be imposed only to insure the safety and well being of members of the college community or property or to ensure the student's own physical safety or emotional well being. All students accused of violating the Code for Student Conduct shall be granted the following due process rights:

- a. A student has the right to a hearing by an unbiased judicial body.
- b. A student has the right to written notice of the charges which indicates the time and place of the hearing at least five (5) business days in advance of the hearing date. Proper written notification shall be defined as delivery by mail to a student's on-campus mailbox, hand-delivery by campus staff, or two days after such notification is mailed to a student's local, off-campus address via the U.S. Post Office. Students shall be held responsible for the contents of mail for which they have refused receipt.
- c. A student has the right to receive copies of written reports pertinent to the case.
- d. A student has the right to present information in his/her behalf, including the testimony of witnesses, and shall not be compelled to offer testimony against himself/herself.
- e. A student has the right to have an advisor present at the hearing. Said advisor may attend the hearing and advise the student during the hearing but may not address the College Judicial Board directly.
- f. A student has the right to written notification of the results of a hearing no later than ten (10) business days after the hearing (Section 6.7.1). Proper written notification shall be defined as delivery by mail to a student's on-campus mailbox, hand-delivery by campus staff, or two days after such notification is mailed to a student's local, off-campus address via the U.S. Post Office. Students shall be held responsible for the contents of mail for which they have refused receipt.
- g. A student has the right to appeal the outcome of a hearing. A student must be informed of his/her right to appeal, and the process by which to do so.

Section 6 – Judicial Procedures

1. Any member of the College community may file charges against any student for misconduct. Depending upon the nature of the allegation(s), complaint(s) shall be made to University Police, the Office of Residential Life or the Affirmative Action Officer, at which point charge(s) shall be prepared in writing and directed to the Dean of

Students and the Hearing Officer as appropriate for the administration of the student judicial system.

2. The Hearing Officer may conduct an investigation to determine if charges have merit. Said investigation may include a Disciplinary Conference (either in person or via telephone) whereby the accused is informed of the charge made against him/her, his/her rights under the campus judicial process, and potential sanctions.
3. The Hearing Officer processes a charge of student misconduct if the investigation warrants.
4. The accused shall receive written notification of all charges, as described in Section 5.b of the Code for Student Conduct.
5. In cases where the accused acknowledges responsibility in writing and agrees to an administrative issuance of sanction, the Hearing Officer can issue such sanction.
6. In cases where the accused denies responsibility and/or requests a hearing before the College Judicial Board, the Hearing Officer will convene a hearing of the Board.
7. Hearings shall be conducted by the College Judicial Board according to the following guidelines:
 - a. Persons other than those directly involved in the case are permitted to be present at the hearing as observers, provided they have prior approval from the Hearing Officer.
 - b. In violations involving more than one accused student, the Hearing Officer, in his/her discretion, may permit the hearing concerning each student to be conducted separately.
 - c. All hearings are recorded using audio recording equipment.
 - d. The non-voting Chair of the College Judicial Board is responsible for maintaining an orderly hearing process. Only those recognized by the Chair may speak at the hearing. The Chair may also exclude persons from the hearing if they are disruptive. Further, the Chair may postpone a hearing because of disruptive behavior among the participants and/or observers. Disruptive behavior by participants or observers may form the basis of a separate or additional charge (pursuant to Section 4.B.9 of the Code for Student Conduct).
 - e. The accused student(s) and the Hearing Officer shall have the privilege of presenting witnesses. All witnesses are subject to questioning by the accused student, the Hearing Officer, and the members of the College Judicial Board.
 - f. Pertinent records, exhibits, and/or written statements may be accepted as evidence for consideration by the College Judicial Board at the discretion of the non-voting Chair.
 - g. All procedural questions are subject to the final decision of the non-voting Chair.
 - h. After the hearing, the College Judicial Board will move to a closed session to determine, by majority vote, whether the accused has violated the Code for Student Conduct.
 - i. The Judicial Board's deliberation shall consider only the weight and credibility of the statements and evidence presented.
 - j. If the board finds the accused student(s) responsible for violating the Code for Student Conduct, it will then enter the Sanctioning Phase of the Hearing. In this phase the Judicial Board determines the sanction(s) it will recommend to be imposed upon the student(s). When the Judicial Board enters the Sanctioning Phase the Hearing Officer will share with the Board any information on prior disciplinary actions and/or sanctions placed upon the student that relate(s) to the Board's determination of recommended sanctions. [See Appendix of this document for guidelines regarding Offenses and Remedies/Consequences].
 - k. Following deliberation by the six members of the board, its finding regarding the responsibility or non-responsibility of the accused, and any sanction recommended in those cases where the accused is found in violation, is to be presented by the non-voting chair to the Hearing Officer.
 - l. Within ten (10) days of notification, the Hearing Officer then notifies the accused of the finding and any recommended sanction. Proper written notification shall be defined as

delivery by mail to a student's on-campus mailbox, hand-delivery by campus staff, or two days after such notification is mailed to a student's local, off-campus address via the U.S. Post Office. Students shall be held responsible for the contents of mail for which they have refused receipt. **The finding and recommended sanction shall stand if no appeal is filed within ten business days of notification.**

8. If a student accused of violating the Code for Student Conduct fails to attend a scheduled hearing, the hearing will be held in the student's absence, and the student will be assumed to have entered a claim of Not Responsible to each allegation but forfeited his/her ability to present information on her/his behalf. Findings and recommended sanctions will be based on the evidence and not upon the accused student's failure to appear. If the Hearing Officer learns that the student's failure to appear is for good cause, the Hearing Officer may grant a new hearing. **Otherwise, the finding and any recommended sanction of the College Judicial Board shall stand if no appeal is filed within ten days of notification.**

Section 7 – Disciplinary Sanctions

Any student of the College at Old Westbury found to be responsible of having engaged in any action or conduct in violation of the provisions of the Code for Student Conduct will be subject to disciplinary sanctions. Disciplinary action taken against offenders will be judged independently in each case.

Sanctioning is considered to be both educational and constructive although it does not preclude punitive action. Sanctions shall be imposed that are clearly appropriate under the circumstances.

College officials who have the authority to suspend or expel a student from the College include the President and the President's Student Affairs designee. Notices of expulsion or suspension from the College are reported to the Registrar, University Police, and other appropriate officials of the College.

Following are definitions of the sanctions that can be imposed upon any student found to have been in violation of the Code for Student Conduct.

7.01 Reprimand A written reprimand by an appropriate College official to the student that he/she has violated the Code for Student Conduct. This statement should include the nature of the violation and the consequences of repeated infractions of College rules.

7.02 Official Censure A written statement by an appropriate College official to the student indicating that he/she has violated the Code for Student Conduct. This statement should include the nature of the violation and the consequences of repeated infractions of College rules.

7.03 Restitution Reimbursement for damage, destruction or misappropriation of College property.

7.04 Denial or Restriction of the Use of College Facilities An official notification by an appropriate College official of denial or restriction of the use of specific College facilities.

7.05 Disciplinary Probation A trial period during which a student who has been found guilty of a violation has the opportunity to demonstrate that he/she can act as a responsible and effective member of the College community. Restrictions may be placed on the student's activities and/or specific requirements may be imposed upon the student during the period of probation.

7.06 Fixed Term Suspension from the College The student will be required to sever connections with the College for a given period, including departure from the residence halls. The student must leave the campus immediately upon receipt of official notice of suspension. The suspended student may not visit the campus unless prior permission by an appropriate College official has been granted and all the proper authorities notified. Any student in violation of these restrictions may be subject to arrest for trespassing.

7.07 Expulsion from the College The student will be required to sever, completely and permanently, all connections with the College. The student must leave the campus immediately upon receipt of official notice of expulsion. The expelled student may not visit the campus unless prior permission by an appropriate College official has been granted and all the proper authorities notified. Any student in violation of these restrictions may be subject to arrest for trespassing.

7.08 Fixed Term Suspension from the Residence Halls The student may be suspended from the residence halls for a specific period of time. Arrangements to vacate will be made by the proper College authorities. During this time, the student is restricted from the residence halls and may be restricted from the cafeteria, the Student Union, the Rathskeller, Clark Center and all social activities. The student may apply for readmission to the residence halls via the established process following the period of suspension. Any student in violation of these restrictions may be subject to arrest for trespassing.

7.09 Expulsion from the Residence Halls The student will be required to vacate the residence halls completely and permanently. Arrangements to vacate will be made by the proper College authorities. The student is restricted from the residence halls and may be restricted from all non-Academic facilities. The student may not apply for readmission to the residence halls. Any student in violation of these restrictions may be subject to arrest for trespassing.

7.10 Other Penalties Other penalties deemed appropriate by the Hearing Officer or the College Judicial Board.

Subsequent violations of any College regulations or the conditions of a sanction will constitute grounds for the possible imposition of further disciplinary sanctions by means of the established judicial process. Disciplinary sanction by the College can be made in addition to any penalty imposed by the penal law or any other provisions of law.

Evaluations by the Counseling Center may be used to assist in the determination of the applicable sanction.

NOTE: A student who is suspended/expelled from the College or suspended/expelled from the residence halls for disciplinary reasons shall be liable for all tuition, room rents, deposits and fees due to the College for that semester.

Section 8 -- Appeals

A. A finding and/or sanction recommended by the College Judicial Board may be appealed by the accused student or the Hearing Officer to the Vice President for Student Affairs. The Hearing Officer must file his/her appeal within seven (7) business days after receiving notification of findings and recommended sanctions of the Judicial Board. The accused student must file his/her appeal within five (5) business days of receipt of written notification of the result of the initial hearing. Written notification to accused student shall be defined as delivery by mail to a student's on-campus mailbox, hand-delivery by campus staff, or two days after such notification is mailed to a student's local, off-campus address via the U.S. Post Office. Students shall be held responsible for the contents of mail for which they have refused receipt.

Such appeals shall be in writing and shall be delivered to the Vice President for Student Affairs. If the accused student cannot file his/her appeal within the 5-day filing deadline, the individual must contact the Vice President for Student Affairs before said deadline expires and request an extension. Further, in making an appeal, the appellant may request a suspension of sanction pending the outcome of the appeal.

B. An appeal of a disciplinary finding and/or recommended sanction must be made based on one or more of the following:

8.B.1 Procedural Error. To determine whether the original hearing was conducted fairly and properly in accordance with the guidelines detailed in Section 6 of this document. Deprivation of due process shall be considered Procedural Error.

8.B.2 Disproportionate Sanction. To determine whether the sanction(s) recommended were appropriate for the violation of the Code for Student Conduct which the student was found to have committed.

8.B.3 New Evidence. To consider new evidence, facts or information not known at the time of the original hearing.

8.B.4 Unsupported Conclusion. To determine whether the finding and/or recommended sanction is consistent with the evidence.

C. The Vice President for Student Affairs may, after reviewing all available information, elect to:

1. Agree with the finding(s) and recommended sanction(s).
2. Agree with the finding(s) and either reduce or increase the sanction(s).
3. Disagree with the finding(s) and revise or impose a sanction(s).
4. Remand the case to the College Judicial Board for a new hearing.
5. Dismiss the case.

D. The result of the appeal will be reported by the Vice President for Student Affairs to both the accused student and the Hearing Officer in a timely manner.

Section 9 -- Disciplinary Records

With the exception of Permanent Transcript Notations (see Section 4.C.2 of this document), all disciplinary records are maintained under the supervision of the Vice President for Student Affairs as confidential; may not be incorporated into the official college record, and will be released by the College only through consent of the student, emergencies involving threats to health or safety, valid subpoena or court order. The confidentiality of records embraces all information concerning the incident.

Section 10 – Discipline of Student Organizations

Organizations that operate on the campus of the State University of New York College at Old Westbury shall be prohibited from authorizing the conduct described in Section 4 (“Prohibited Conduct”) of the Code for Student Conduct.

If an organization is alleged to be involved in an activity judged by the Vice President for Student Affairs to be detrimental to the safety or well-being of members of the College community or property, the Vice President can suspend all activities of the organization immediately pending a hearing which is to be scheduled as soon as possible.

A. Judicial Procedure

10.A.1 The Hearing Officer can bring charges against a Student Organization if he/she determines on the basis of a complaint or personal knowledge that a violation of the Code for Student Conduct may have occurred.

10.A.2 The Hearing Officer shall prepare written charges against the Student Organization that are to be presented to a principal officer of the organization.

10.A.3 The charges shall be accompanied by a notice that the organization must respond to the Hearing Officer in writing regarding the charges within five (5) business days of notification. Proper written notification shall be defined as delivery by mail to an organization’s on-

campus mailbox, hand-delivery by campus staff to a student who serves as a principal officer of the organization, or two days after such notification is mailed via the U.S. Post Office to the local, off-campus address of a student who serves as a principal officer of the organization. Principal Officers of student organizations shall be held responsible for the contents of mail for which he/she has refused receipt.

Failure to submit a response in the 5-day period will constitute admission of the violation stated in the charges and will result in a penalty, as described in Section 10.B of the Code for Student Conduct. A principal officer of the Student Organization may request of the Hearing Officer an extension of the 5-day response period

10.A.4 A principal officer of the Student Organization may request an Administrative Hearing before the Hearing Officer or a hearing before the College Judicial Board. An Administrative Hearing will be conducted only in those cases where the Student Organization, through a principal officer, acknowledges responsibility in writing. The procedure for the hearing and any subsequent appeal is the same as that described for individual students.

B. Disciplinary Sanctions for Student Organizations

10.B.1 Rescission of Authority. Any organization that authorizes conduct prohibited in Section 4 of the Code for Student Conduct will be subject to rescission of authority to operate on campus.

10.B.2 Other Penalties. Other penalties deemed appropriate by the Hearing Officer or the College Judicial Board.

Disciplinary action for an organization does not preclude disciplinary action for an individual student if he/she is specifically charged in the same incident(s). Further disciplinary sanctions by the College can be made in addition to any penalty imposed by the penal law or any other provisions of law.

APPENDIX

The following tables are intended to serve as guidelines. Table 1 classifies violations of the Code for Student Conduct into levels of severity. Table 2 shows the potential consequences for each corresponding level of offense. After weighing the particulars of each judicial case, individuals designated by the College to serve in the judicial process are expected to use sound judgment and reasonable discretion when determining appropriate categorization of violations of the Code for Student Conduct not specified below, as well as when determining sanction recommendations. Arrest or non-arrest is not a pertinent factor in determining the level of the offense.

OFFENSES AND REMEDIES OR CONSEQUENCES (1)

Table 1 -Offenses

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
First episode of disorderly conduct (non-violent) (1)	Second episode of disorderly conduct (non-violent)	Third episode of disorderly conduct (non-violent) Harassment	Physical assault
First episode of anger management or temper problems (2)	Second episode of anger management or temper problems (2)	First episode of threats or intimidation	Second episode of threats or intimidation
First offense of unwanted or inappropriate verbal sexually suggestive behavior (3)	Second offense of unwanted or inappropriate verbal sexually suggestive behavior	Unwanted physical contact of a sexual nature (touching or fondling)	Third offense of unwanted or inappropriate verbal sexually suggestive behavior Sexual Assault
Aiding and abetting trespass	Recidivist residential life referral (4)	Crimes or actions against property (personal or state)	Hazing Arson
First episode of intoxication on campus (not possession)	Second episode of intoxication on campus (not possession)	Third episode of intoxication on campus (not possession)	
	First episode of possession of alcohol on campus		Second episode of possession of alcohol on campus

Table II - Consequences or Remedies

LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Oral reprimand	Restitution including reparative actives. Community service.	Fixed-term suspension from the residence halls.	Expulsion from the college
Written reprimand	Restriction of the use of college facilities	Fixed term suspension from the college	
Psycho-educational assignments	Disciplinary probation	Expulsion from the residence halls	
Mandated attendance at class sessions organized by the Counseling Center (5)	Mandated evaluation by Counseling Services and satisfactory completion of treatment recommendations	Mandated anger management treatment (5)	
	Parental and/or guardian notification	Mandated completion of a community based evaluation and treatment as determined by the Counseling Center	

Key for Tables:

1. Any disruption of college services or college life such as excessive noise or moving traffic cones.
2. Excessive verbal expression of anger or temper outbursts.
3. Unwanted sexually suggestive statements.
4. Any student referred to the Hearing Officer by residential life as a recidivist offender enters the judicial system at Level 2.
5. Mandated class attendance may occur on site in the Counseling Center or off site in a community based agency. Classes can include “Responsible Drinking”, “Conflict Resolution” or “Social Sexuality.”

A system of judicial sanctions in an educational setting must:

- Insure order and safety.
- Be viewed as an extension of the classroom.
- Provide an opportunity to teach pro-social behavior and positive core values.
- Take developmental or “phase of life” factors into consideration.

A system of judicial sanctions in an educational setting must take into account the following:

- Offenses are viewed as existing along a continuum ranging from less serious to more serious.
- Consequences also exist along a continuum and match the offense that it is applied to.
- Students are entitled to an opportunity to change their behavior unless this opportunity places others at risk.
- Consequences are thought of as a remedy or remedial strategy.

I have received the SUNY College at Old Westbury USB flash drive. I understand by accepting this drive, I received and accepted SUNY College at Old Westbury’s Code for Student Conduct. I understand it is my responsibility to read this document, familiarize myself with this document, and adhere to this document.