

**Buffalo State
State University of New York
COUNCIL MEETING
May 15, 2018 4:00 PM
Cleveland Hall 518
MINUTES**

COUNCIL MEMBERS PRESENT: Chair Linda Dobmeier; Mr. James Brandys; Mr. Todd Brason; Ms. Melissa Brinson; Mr. Allen "Pete" Grum; Mr. Mylous Hairston; Mr. Charles Naughton; Mr. Robert Zak, Mrs. Leslie Zemsky and Student Representative Briana Alford.

FACULTY & STAFF PRESENT:

President Katherine Conway-Turner; Provost Melanie Perreault; Vice President for Finance and Management, Michael LeVine; Vice President for Student Affairs, Timothy Gordon; Interim Vice President and CIO, James Mayrose; Chief Diversity Officer, Karen Clinton Jones; Interim Vice President for Institutional Advancement, William Benfanti; Chief of Staff and Secretary to the College Council, Bonita R. Durand; Dean, Graduate School, Kevin Miller; Dean, School of Arts and Humanities, Benjamin Christy; Dean of Students, Sarah Young; Buffalo State College Senate Chair & Professor, Psychology, Howard Reid; UUP President and Associate Director of Admissions, Dean Reinhart; Senior Associate Director, Intercollegiate Athletics, Tom Koller; Assistant Dean, Student Conduct & Community Standards, Janelle Brooks; Men's Soccer Head Coach, Mark Howlett Staff Assistant, Melissa Slisz; USG President, Monique Maxwell; Students: Devonte Black, Matthew Burch, Andrew Butt, Emily Elise Cloutier, Michael Anthony Guerrero, Mohamed Koanda, John Latona, Connor Mergler, Luke Pavone, Samantha Stanford.

CALL TO ORDER

Ms. Dobmeier called the meeting to order at 4:02 p.m. Ms. Dobmeier welcomed everyone to the meeting.

ACTION ITEMS

Ms. Dobmeier called for a motion to approve the minutes from the March 6th meeting. Mr. Naughton moved that the minutes be approved; the motion was seconded by Mr. Brason. The motion carried by unanimous vote.

Ms. Dobmeier reminded the Council that it is time for the Annual College Council Self Evaluation. The evaluation forms will be mailed out to the Council by May 31st with further instructions from her.

Ms. Dobmeier reported this is the last meeting for our student elected representative, Briana Alford. She will be among the graduates on Saturday, May 19th receiving her Bachelor of

Science Degree in Wood and Furniture Design. To commemorate Briana's tenure on the Buffalo State College Council a plaque was affixed to her name plate with her years of service. On behalf of the entire College Ms. Dobmeier thanked Briana for her service. The Council wished her all the best in the future.

PRESIDENT'S REPORT

President Conway-Turner thanked Ms. Dobmeier for her report. The President also thanked Briana for her service to the college and congratulated her on her work and presented her with a bouquet of flowers.

The President reviewed the highlights of her written report to the Council (see attached).

She then introduced Tim Gordon and Kevin Miller to present the Student Award recipients:

President's and Chancellor's Awards

Undergraduates

- **Matthew Burch, North Java, NY, Wood/Furniture Design and Industrial Technology**
Matthew, an Army veteran and McNair Scholar, is an accomplished musician and instrument maker who used his Undergraduate Summer Research Fellowship to design and build a modernized guzheng, an ancient Chinese stringed instrument. He is a recipient of the college's Dr. Margaret E. Bacon Best of Studio Award for wood/furniture design. In addition, he co-founded the Buffalo Furniture Factory, an ADA-compliant company that won the 2017 New York State Business Plan Competition regional championship.
- **Andrew Butt, Buffalo, NY, English**
Andrew, a McNair Scholar, is a leader on campus and in the community. He is an academic mentor and teaching assistant in the EOP Academic Center for Excellence, Dean's List student, and captain of the college's mock trial team. He advanced his academic goals, at the invitation of faculty members, by taking graduate-level English classes as an undergraduate. He has also volunteered with Salvation Army, Assumption Parish, Nicaragua Mission Project, and Our Lady of Black Rock Library Scholastic Book Fair.
- **Emily Cloutier, Buffalo, NY, Philosophy**
As the founding president of the college's Alpha Beta chapter of Phi Sigma Tau, the international honor society in philosophy, Emily secured donations for an annual speaker series, coordinated a food drive for the Buffalo State campus food pantry, and organized a Philosophy Department community library. She served as president of the

Intercollegiate Ethics Bowl club and earned an Undergraduate Summer Research Fellowship to study the ethics of parenting.

- **Mohamed Koanda, Bronx, NY, Computer Information Systems**

Mohamed, a native of Burkina Faso, Africa, serves as an EOP freshman mentor and tutor at the EOP Academic Center for Excellence. He is also a Buffalo State Scholar-Athlete Award winning member of the men's track and field team, a University Police student assistant, and Residence Life resident assistant, where he was named Most Valuable Paraprofessional in 2017. He completed the National Leadership Development Institute Course sponsored by INROADS.

- **Samantha Stanford, Williamsville, NY, Psychology**

Samantha, who earned an Undergraduate Summer Research Fellowship to conduct research on addictions, is completing a senior year honors thesis on prenatal cigarette and marijuana exposure. A member of the college's Muriel A. Howard Honors Program, she has been inducted into the international honor societies for psychology and sociology. She has also served as a student success associate for the college's COMPASS Program, research assistant at the Institute for Autism Research, and teacher and director of plays at St. Luke's Lutheran Church.

Graduates

- **Lyndsay Raymond, Tonawanda, NY, Higher Education and Student Affairs Administration**

Lyndsay, a resident director, created and facilitated the Junior Resident Assistant (JRA) Program to help train and build leadership skills among staff members. She also serves as adviser for the Residence Hall Judicial Board, co-chair of the NASPA Undergraduate Fellows Program, mentor for the COMPASS Program, and a member of multiple campus committees that address student life and student activity issues. In the community, she worked as a program facilitator for the National Federation of Just Communities.

- **John Latona, Frewsburg, NY, Multidisciplinary Studies**

John, the first Buffalo State graduate student to concentrate his studies in fiber design, created artwork selected for the juried Art in Craft Media exhibit at the Burchfield Penney Art Center as well as the International Minitextile Exhibition and "Hands On" SUNY Buffalo State Fibers Exhibit in Bratislava, Slovakia. In addition, he traveled to Rwanda with the college's Anne Frank Project, which has influenced his work as a teacher at Charter High School for Applied Technology in Buffalo.

NCAA All American Recipients

- **Devonte Black – Men's Soccer with Head Coach Mark Howlett**

A native of Pickering, Ontario, the senior defender and business major was named Third Team D3soccer.com All-American and First Team All-SUNYAC. He played all 20 games posting second most minutes on the team, anchoring a defense that

allowed just 0.58 goals-per-game en route to the Bengals to the team's first NCAA playoff appearance since 1984.

Did not attend:

- **Luke Pavone – Men's Soccer**

A native of Churchville, N.Y., the senior health and wellness major was named second team United Soccer Coaches All-American as well as first team All-SUNYAC. He finished third in the SUNYAC with 22 points on eight goals and six assists and captained the Bengals to the team's first NCAA playoff appearance since 1984.

- **Connor Mergler – Men's Swimming**

A native of East Amherst, N.Y., the senior business major was a two-time All-American finishing fourth in the 100 free and seventh in the 200 free at the NCAA meet. He finished his four-year career as a six-time All-American and a 10-time SUNYAC Champion.

- **Michael Anthony Guerrero – Men's Hockey**

A native of Montreal, Quebec, the sophomore business major was named third team All-American and first team All-SUNYAC after finishing seventh in the nation in defenseman scoring with 9 goals and 17 assists for 26 points.

Committee Reports

Naming of Buildings and Grounds

Mr. Bob Zak presented the recommendation from the Naming of Building and Grounds Committee regarding the updated Naming Guidelines for the College (see attached).

Mr. Zak called for a motion to approve the updated Naming of Building and Grounds Committee.

Mr. Grum moved that they be approved; the motion was seconded by Ms. Brinson. The motion carried by unanimous vote.

Mr. Bob Zak also presented the following and called for a motion to approve:

- Naming of the Linux Lab located in room SAMC 393, Science and Mathematics Complex as the **Dr. Dewayne A. Beery Linux Lab.**
- Naming of the Upper Division Instructional Laboratory located in room SAMC 355, Science and Mathematics Complex as the **Dr. Dewayne A. Beery and Cynthia Steiger Beery, '74, '81 Upper Division Instructional Laboratory.**

Mr. Hairston moved that they be approved; the motion was seconded by Ms. Brinson. The motion carried by unanimous vote (see attached).

Student Affairs

Mr. Chuck Naughton reported changes to the Student Code of Conduct (see attached).

Mr. Naughton called for a motion to approve the Changes to the Student Code of Conduct.

Mr. Grum moved that the minutes be approved; the motion was seconded by Ms. Brinson. The motion carried by unanimous vote.

Ms. Dobmeier invited the Council to join her for a tour of the new Alumni House and Visitors Center following the meeting led by Bill Benfanti, Interim Vice President for Institutional Advancement.

ADJOURNMENT

Ms. Dobmeier called for a motion to adjourn the meeting. Mr. Zak moved to adjourn the meeting and Mr. Naughton seconded the motion. The motion carried by unanimous vote. The meeting was adjourned at 4:40 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Bonita R. Durand".

**Bonita R. Durand, Ph.D.
Secretary to the Council**



**President's Report
To the
Buffalo State College Council
In Preparation for the May 15, 2018 Meeting**

Progress Report, Updates, and Significant Accomplishments
Since the March 6, 2018 meeting.
Prepared by: Kate Conway-Turner, President

Updates from SUNY

- **A New Provost for SUNY**

Chancellor Johnson has announced the appointment of Dr. Tod A. Laursen as senior vice chancellor and provost of The State University of New York, following an international search. His appointment is effective on September 1, 2018. Dr. Laursen comes to SUNY from Khalifa University (KU) in Abu Dhabi, United Arab Emirates, where he was the founding president and has served as its leader since 2010. Previously, Dr. Laursen was a member of the faculty of Duke University since 1992, during which time he had appointments in civil engineering, biomedical engineering, and mechanical engineering. He specializes in computational mechanics, a subfield of engineering mechanics concerned with the development of new computational algorithms and tools used by engineers to analyze mechanical and structural systems. He has published over 100 refereed articles, book chapters, and abstracts, and has authored or co-edited two books. His particular focus is development of methods to analyze contact, impact, and frictional phenomena, in highly nonlinear and complex systems. Dr. Laursen earned his doctorate and master's degrees in mechanical engineering from Stanford University and a bachelor's degree in the same subject from Oregon State University.

- **A New Distinguished Service Professor for Buffalo State**

Drew Kahn, Professor of Theatre at Buffalo State, has been appointed to the rank of Distinguished Service Professor by the State University New York Board of Trustees. This prestigious honor is reserved for faculty members whose service extends far beyond the campus, recognizing individuals for professional excellence and extraordinary commitment to applying scholarship to the greater good. I cannot think of anyone who better represents and lives the principles of an engaged faculty member than Professor Kahn. He is an amazing community builder, teacher, and champion of social justice. His work is grounded in the mission of Buffalo State and has deepened the ways we manifest a commitment and dedication to social justice on campus, locally, and globally. His work is institutionalized at Buffalo State, and we and our communities are the better for it. Professor Kahn will be officially inducted into the SUNY Distinguished Academy at a ceremony in Albany on May 23rd. Next fall, we will honor him on campus at our Faculty-Staff Recognition Ceremony. In the meantime, please join me in congratulating him on this wonderful honor.

Budget Rebalancing Update

I am pleased to share the following update on our three-year budget rebalancing plan:

- The campus met its target for 2017-2018 to permanently eliminate \$1.4 million in expenses which includes \$1.25 million in salary funds and \$150,000 in non-personnel funds.
- Cabinet members are now creating plans and designating savings for the 2018-19 amount of \$2.8 million. These reductions will be in place by July 1, 2018.
- Looking ahead, we recognize that the third-year reduction will be the most difficult to achieve, so discussions are already under way for strategies and approaches to meet that target.
- Although we are looking carefully at each and every vacant personnel line for possible savings, we will continue to prioritize hiring that is central to the mission of our campus and necessary to provide an outstanding education for our students. Additionally we are exploring strategies that increase other revenue streams.

Update on Senior Administrative Searches:

- **CIO and Vice President for Enrollment, Marketing and Communication:** Dr. Jacquelyn Malcom has accepted this position and will begin her new role on July 1, 2018. As the associate vice president and chief marketing officer at the Catholic University of America since 2016, Dr. Malcolm has overseen the university's internal and external marketing and communications efforts, leading an 18-person team within the division of enrollment management and marketing. She was responsible for managing Catholic University's first-ever strategic advertising campaign, while also guiding her team's efforts in research-based integrated marketing campaigns in print, electronic, multimedia, online, and social media environments to reach target audiences. Prior to her tenure at Catholic University, Dr. Malcom was the executive director of marketing and communications at Delaware State University, where she also worked as the executive director of integrated marketing from October 2005 to December 2008. Before returning to Delaware State in 2015, Dr. Malcolm worked at the University of the District of Columbia for seven years (2008–2015), where she served as executive director of interactive media and portal administrator, executive director of alumni relations, and assistant vice president for marketing, communications, and alumni relations.

Prior to joining the University of the District of Columbia, Dr. Malcolm worked at the University of Delaware as assistant director of alumni relations (2004) and at the George Washington University as associate director of law school alumni relations (1999–2003). She earned a B.S. in business administration from Drexel University in 1997 and an M.S. in project management from the George Washington University in 1998. She completed her Ed.D. in educational leadership from Delaware State University in 2017.

- **Vice President for Institutional Advancement:** On campus interviews for finalists for this position will begin on May 13, 2018. I anticipate having the new vice president in place by August 1, 2018.
- **Vice President for Finance and Management:** The search committee is in the process of conducting first round interviews with the plan to bring finalists to campus in June and July. I anticipate having the new vice president in place by August 30, 2018.

Bengala

The 21st Annual Gala – “Bengala” to support student scholarships was held on Saturday, April 28, 2018. I extend my deepest appreciation to this year’s co-chairs, College Council Member Bob and Margaret Zak for their exceptional leadership. And I thank all of the members of the College Council who supported the event. Your support will truly make a difference in the lives of many of our students.

Commencement

The 146th Commencement Exercises will be held on Saturday, May 19, 2018. There will be two baccalaureate ceremonies. Students graduating from the Schools of Education and the Professions will be recognized at the 9:00 am ceremony. Students graduating from the Schools of Arts and Humanities and Natural and Social Sciences and those receiving multidisciplinary undergraduate degrees will be recognized at the 1:00 pm. At the 5:00 pm ceremony, graduate students will receive their master’s degrees or certificates of advanced study. A full itinerary of commencement day activities is included with your board material.

Several of our graduates will be recognized as Chancellor’s Award for Student Excellence recipients. And two of our students will be recognized with the Buffalo State College President’s Award. Andrew Butt will deliver the Baccalaureate Student Address as the President Medal for Outstanding Undergraduate Student recipient. Lyndsay Raymond will deliver the Graduate Student Address as the President Medal for Outstanding Graduate Student recipient. As has been our tradition, several of these students along with some of our NCAA All-American student athletes will be introduced at the College Council meeting on May 15th.

Other individuals who will be recognized at our three commencement ceremonies include:

- JoAnn Falletta, Conductor and Music Director of the Buffalo Philharmonic Orchestra and Virginia Symphony Orchestra who will receive the SUNY Honorary Doctor of Music and deliver the undergraduate commencement address.
- The President’s Distinguished Service Medal will be presented to Congressman Brian M. Higgins ’85. Congressman Higgins will deliver the graduate commencement address.
- Distinguished Alumni Awards will be presented to:

- Amilee D. Cattouse-Scott '85, New York City's No. 1 rated midday radio personality.
- Michael E. Toppo '87, Vice President and Senior Editorial Director, CNN
- Amber L. Morczek '90 will be recognized with the Young Alumnus Achievement Award

As we come to the conclusion of another academic year I am grateful for the support, guidance and counsel of the Buffalo State College Council. I thank each of you for the work that you do to spread the good word about this wonderful institution. I am looking forward to seeing you at one or more of our end of year celebration activities.

Guidelines for Naming Spaces and Facilities

Per the *Naming Opportunities on State University Campuses*, Document Number 9252, Effective Date March 23, 2010, Summary/Process/Item 2:

"All permanently named building and grounds must be approved by the campus president and college council, and all other physical assets and non-physical assets must be approved by the campus president and college council and/or campus foundation, as appropriate."

In recognition of a donor's generosity, and because such gifts will be substantial in amount and may reflect on Buffalo State in perpetuity, naming opportunities and the terms and conditions associated with such naming, shall be subject to the following guidelines.

FACILITIES

Many types of facilities exist. Examples include large or well-known structures, academic buildings, facilities that receive frequent visits by the general public; prominent interior spaces such as an atrium, auditorium, library, the floor of a building, a playing surface; and prominent exterior spaces, such as a street, quadrangle, or open atrium.

Additional examples include areas rarely visited by the general public including classrooms, offices, lounges, laboratories, and work spaces.

REVIEW AND APPROVAL PROCESS

1. Each proposal for naming shall be made in writing in accordance with these guidelines.
2. The vice president for Institutional Advancement will make recommendations to the president for any proposed campus naming falling within the guidelines as stated above in the *Naming Opportunities on State University Campuses*. The recommendation shall be made after collaboration with the appropriate dean, major gift officer, program director or other necessary party.
3. Every five years, it will be the responsibility of the vice president of Institutional Advancement to review and make recommended changes regarding the "Naming Opportunity Guidelines" to the president and president's cabinet. Once the cabinet agrees upon any changes, the guidelines are to be submitted to the chancellor for approval.
4. All permanently named facilities of \$1 million or more on state-owned land, and all other physical and non-physical assets valued at \$1 million or more, must be first recommended by the vice president of Institutional Advancement, and thereafter approved by the campus president, the Buffalo State College Council, the SUNY chancellor and ultimately the SUNY Board of Trustees before a final naming decision

can be made. When appropriate, the president on behalf of the college will notify the SUNY chancellor that such action is under review. All permanently named facilities, and all other physical and non-physical assets of less than \$1 million must first be recommended by the vice president of Institutional Advancement, and thereafter approved by the campus president and the Buffalo State College Council.

5. Each naming opportunity should be reviewed carefully for compliance with applicable law, including law related to prohibited gifts and ethical principles, especially where there is some direct or indirect business or other continuing relationship between the donor, the State University of New York, and Buffalo State, its officers or employees. All proposed donors for named facilities and all other physical and non-physical assets must be vetted by the vice president of Institutional Advancement and Buffalo State College development staff before drafting a pledge or gift agreement.
6. All proposed names must be held in strict confidence during the review and approval process. There will be no general communication, public discussion or commitment made with regard to the proposed naming before approval by the dean, vice president for Institutional Advancement, campus president, the Buffalo State College Council, SUNY chancellor, and the SUNY Board of Trustees as is defined in these guidelines.
7. The naming of a space or other physical and non-physical assets valued at \$1 million or more in recognition of a donor or honoree implies a promise to the donor or honoree that the specific space, site, facility, endowment fund, and other forms of tangible recognition will be maintained for the life of the facility, or for the duration of the stated term.
8. All naming agreements will allow for modification of the naming if a future action or event occurs that will cause irreparable injury to the college's image, reputation, or ability to pursue its mission. The campus entity/boards that approved the initial naming must first approve any un-naming decision. At minimum, all such decisions must be first reviewed by the vice president for Institutional Advancement and approved by the campus president.
9. The vice president for Institutional Advancement shall maintain a record of all named physical and non-physical assets and annually provide a copy of the record to SUNY.
10. Facilities may not be named for public officials while they continue in office.
11. The naming of a facility or other physical and non-physical asset will not be finalized by the campus president, College Council, SUNY Board of Trustees or chancellor before the execution of a signed irrevocable pledge agreement or payment of gift is received.
12. Generally, naming opportunities will not be recognized through a planned or deferred gift until the gift amount is accessible. However, naming opportunities may be considered through an irrevocable planned gift at the discounted present value under special circumstances.

GUIDELINES FOR NAMING PHYSICAL FACILITIES AND SPACES

It is intended that the name will remain on the building, interior or exterior space for the life of the building and/or space in recognition of the donor's generosity. If at some future time the building and/or space is replaced, the name may or may not be recognized on the replacement at Buffalo State's discretion. If the name is not used on the replacement, there will be appropriate recognition incorporated into the new building and/or space.

BUILDINGS AND PHYSICAL SPACES

Funds may be used to fully or partially cover costs associated with the construction, renovation and/or equipping of the named space. Additionally, depending on the need of Buffalo State, the funds may be used to establish an endowment fund whereby income from the fund is used to support an academic program (to include endowment of relevant equipment and operating costs), relevant scholarships, or department in perpetuity.

Current value will be established on an individual facility basis by Buffalo State's vice president of Institutional Advancement in consultation with the applicable dean, president, and other appropriate campus entities. This analysis shall take into account original construction costs, any anticipated abatement expenses, age of facility, square footage, anticipated continued usage requirements as well as facility appreciation or depreciation. Total replacement costs would include: architectural planning and construction; fees; site clearance and landscaping; furniture and equipment.

LIFE CYCLE GUIDELINES

Purpose: To establish naming/re-naming guidelines and provide consistency for the decision making process when a donor-dedication area is closed, remodeled, or relocated, or the original dedicated area, program equipment or fund is changed from its original intent or purpose.

General Guidelines: The naming of a program, room, area, structure or facility is generally offered for the life cycle/renovation cycle of the program, room area, structure or facility being named. It is anticipated that this naming would stay in effect for a minimum of ten years, with no maximum limit if the lifecycle or renovation cycle continues. The naming of equipment, technologies, furniture, and durable items will adhere to the same life cycle standard, with the understanding that the number of years may be significantly less.

If a space undergoes a significant renovation or change in purpose, or the designated program ceases to exist or experiences a dramatic change in its needs, the Foundation will discuss options, whenever possible, with the lead donor/donors (or their survivors) for that structure or program.

In cases where the decision of whether or not to relocate or retire a plaque or signage is ambiguous or unclear, it is the responsibility of the vice president of Institutional Advancement in consultation with the president to make the final decision regarding the relocation or removal of plaques and signage.

Naming of Building and Grounds Committee Report

College Council Meeting
May 15, 2018

In accordance with the Guidelines for Naming Opportunities on State University Campuses; and in recognition of a gift to Buffalo State from **Cynthia S. Beery, '74, '81**; President Katherine S. Conway-Turner has approved the naming of the Linux Lab located in room SAMC 393, Science and Mathematics Complex as the **Dr. Dewayne A. Beery Linux Lab**.

Buffalo State will record this transaction in the record of named spaces maintained at the college. Arrangements will be made to dedicate the Linux Lab located in room SAMC 393, Science and Mathematics Complex in memory of **Dr. Dewayne A. Beery** at a date to be specified.

Respectfully submitted,

Linda A. Dobmeier, '71
Chair, Buffalo State College Council

RESOLUTION

At its May 15, 2018 meeting, the Buffalo State College Council recommended; and President Conway-Turner approved; that the Linux Lab located in room SAMC 393, Science and Mathematics Complex be named in honor of **Dr. Dewayne A. Beery**.

A graduate of Buffalo State, Cynthia (Cindy) Steiger Beery completed her bachelor's degree in Communication Disorders in 1974, a master's degree in deaf education at Canisius College in 1975, and returned to Buffalo State for a master's degree in Communication Disorders (1981). Initially a teacher in the Tonawanda Public Schools, she moved to the Grand Island School System as a speech-language pathologist and teacher of the deaf. Cindy established this scholarship to honor her late husband, Dewayne A. Beery.

Dr. Beery spent most of his life studying and teaching physics. After completing his bachelor's degree (at Manchester College in Indiana, 1960) and master's degree (University of Toledo, 1963) in physics, he joined the faculty of the Physics Department at Buffalo State. While working full-time at Buffalo State and serving as department chair, Dr. Beery earned his doctorate from the University at Buffalo in 1976, basing his dissertation on research conducted at Argonne National Laboratory.

In 1979, Dr. Beery moved into administration, first as associate dean of the Faculty of Applied Science and Education for five years and then as associate vice president of academic affairs, a position he held for eight years. During this time, he remained in touch with the classroom, continuing to teach and delving into the pedagogy of physics. He returned to teaching full-time in 1993, remaining in the classroom until his retirement in 2007. He again served as department chair from 1993 to 2004. Prior to his retirement, Dr. Beery also directed the campus's Title III Program to improve the quantitative and mathematical performance of Buffalo State's students.

This honor is given in consideration of a gift made to Buffalo State by **Cynthia Steiger Beery, '74, '81**, and in recognition of her service and that of her husband, **Dr. Dewayne A. Beery**, as members of the Buffalo State College community.

Linda A. Dobmeier, '71, Chair, Buffalo State College Council

Bonita R. Durand, Secretary to the College Council

Code of Conduct; Approved by the College Council on _____.

SECTION 1: INTRODUCTION

Buffalo State College policies and procedures are designed to guide student conduct and to ensure fair processes for all students. The Code of Conduct is published by the Division of Student Affairs to define student rights, freedoms and responsibilities; it defines student conduct; it provides due process and delineates sanctions when responsibility has been determined. These policies follow and articulate student rights and responsibilities. Students are expected to know the contents of this document. This document recognizes that students have rights, freedoms and responsibilities both as citizens and as members of the College community. It is meant to be operable within the provisions of the Constitution of the United States; federal, state and local laws; and the policies of the Board of Trustees of the State University of New York. Behaviors that are detrimental to the College environment and/or damaging to the reputation of the College (whether occurring on or off of College property) will not be tolerated. Students who are found to be repeat offenders will be subject to increasing sanctions, with the possibility of suspension or dismissal from the College. Student conduct procedures and subsequent disciplinary outcomes are designed to find a balance between the interests of the individual student and the community.

SECTION 1.A: STUDENT BILL OF RIGHTS

1. Freedom of Government

Students have the right to organize and maintain democratic self-government in accordance with State University of New York and Buffalo State College policies and procedures.

2. Academic Freedom and Responsibilities

Students have the right to be informed of and are responsible for maintaining the standard of academic performance expected of them in each class and/or program in which they are enrolled. Students have the right to take reasoned exception with the data or views offered in any course of study and to hold differing opinions without fear of prejudiced or capricious academic evaluation.

3. Freedom of Expression and Inquiry

Subject to reasonable limitations imposed under State University of New York or Buffalo State College policies and procedures, students and registered student organizations have the right to meet, engage in discussion, pass resolutions, distribute fliers, circulate petitions, invite speakers and take other action by orderly means which does not disrupt the operation of the College.

4. Freedom of Communication Media

Student communication organizations are to be free of censorship and advance approval of copy. Student editors and managers are free to develop editorial policies and news coverage in accordance with generally accepted standards of responsible journalism. Such public expressions are to be taken only as the work and opinions of their author(s).

5. Freedom of Association

Students are free to organize and join associations for educational, political, social, religious or cultural purposes, as consistent with law.

6. Freedom from Disciplinary Action Without Due Process

No sanction or other disciplinary action shall be imposed on a student by, or in the name of, the College without due process. The Code of Conduct defines due process at the College.

7. Freedom from Improper Disclosure

Information about student views, beliefs and political associations which faculty and College staff may acquire in the course of their duties at the College are to be considered confidential. Judgments of ability and character may be expressed in appropriate circumstances (e.g., letters of recommendation).

8. Right to Privacy

Students are protected from invasion of privacy and searches of their residences, except where law enforcement has probable cause, a court ordered search warrant has been legally obtained, or where permitted by the campus residence hall license. Nothing herein shall limit the College's ability to engage in reasonable inspections to ensure the health and safety of persons and facilities.

9. Freedom from Prejudice and Discrimination

Students have a right to be free from prejudice and discrimination based on race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

10. Right to be Informed

The College has the obligation to inform all students, within a reasonable time, of their rights, freedoms and responsibilities. Additionally, the College has the obligation to provide both complainants and those accused of violations, within a reasonable time, information outlining the alleged violation, student conduct process, possible sanctions and student advocacy rights

11. Rights under Title IX

The State University of New York and Buffalo State College are committed to providing options, support and assistance to victims of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in Buffalo State and SUNY-wide programs, activities, and employment. All victims of these crimes and violations have the rights listed below, regardless of whether the crime or violation occurs on campus or off campus:

- a. Make a report to local law enforcement and/or state police.
- b. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- c. Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure from the institution.
- d. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- e. To be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
- f. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
- g. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
- h. Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the College.

- i. Be accompanied by a student conduct advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the conduct process including during all meetings and hearings related to such process.
- j. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the College.

SECTION 1.B: JURISDICTION OF THE CODE OF CONDUCT

The College Code of Conduct shall apply to conduct that occurs on College premises, at College sponsored programs and activities and to off-campus conduct that adversely affects the College community, the pursuit of its objectives, or neighboring communities. A student may be charged with violating local, state and federal laws and also the College Code of Conduct.

SECTION 1.C: INHERENT AUTHORITY FOR THE STUDENT CONDUCT PROCESS

Section 356g of the Education Law empowers the College Council of each State-operated campus of State University of New York to make regulations governing the conduct of students. All programs for student welfare and conduct are entrusted to and administered by the President of Buffalo State College on behalf of the College Council.

The President has delegated administration, enforcement and modification of programs and policies for student conduct to the Vice President for Student Affairs. In addition to The Code of Conduct, the rules, regulations, and procedures for The Maintenance of Public Order on campuses of the State University of New York, adopted by the Board of Trustees, are in effect at Buffalo State College.

SECTION 2: DEFINITIONS

The following terms, when used with reference to the Code of Conduct, are defined as follows:

- A. **Accused** shall mean a person accused of a violation who has not yet entered the College's conduct process.
- B. **Affirmative Consent** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop. Consent cannot be given if any of the parties are under the age of 17 or otherwise cannot consent.

- C. **Appeal Review Board** means any person or persons authorized by the Vice President for Student Affairs to consider an appeal.
- D. **Bystander** shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the College.
- E. **Code of Conduct** shall mean the written policies adopted by the College governing student behavior, rights, and responsibilities.
- F. **College** refers to Buffalo State College.
- G. **College Document** refers to any College record, official communication or form.
- H. **College Employee** is any staff, faculty member, College official or any other person employed by or contracted with the College. In an instance where a person with multiple campus roles their particular situation shall be determined by the Vice President for Student Affairs.
- I. **College Property** refers to all property owned, leased or on loan to the College and/or to College organizations or affiliates.
- J. **Complainant** is any member of the College community or visitor to the campus who initiates and/or later presents such a complaint against a student to a designated College Official. A College Official may serve as a Complainant on behalf of others in enforcing the terms of this Code of Conduct.
- K. **Confidentiality** may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to the College of law enforcement officials, in a manner consistent with State and Federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.
- L. **Guest** is defined as non-student person/s not otherwise associated with the College community as defined in the Code of Conduct.
- M. **Personal Property** refers to anything of value to which a person has possession or title.
- N. **Policy** is defined as the written rules of SUNY or the College that prescribe the behavior of individuals, groups or the institution.
- O. **Privacy** may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate College officials.
- P. **Proceedings** refers to the activities related to a College conduct complaint, including but not limited to, fact finding investigations, Conduct meetings, hearings, and appeals.
- Q. **Reasonable Person** refers to a hypothetical person who exercises average care, skill and judgment in conduct and who serves as a comparative standard.
- R. **Reporting Individual** shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used to reference an individual who brings forth a report of a violation.
- S. **Respondent** shall mean a person accused of a College violation who has entered the College's conduct process.
- T. **Results** means any initial, interim, and final decision by any College official or entity authorized to resolve conduct matters within the institution.
- U. **Sexual Activity** shall have the same meaning as "sexual act" and "sexual contact" as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3). W. "Domestic violence", "dating violence", "stalking"

and “sexual assault” shall be defined by each Institution in its Code of Conduct in a manner consistent with applicable federal definitions.

- V. **Sexual Assault** is defined to be a Code of Conduct violation consistent with the Federal definition of rape adopted by the Department of Education, “The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” (see 34 C.F.R. Pt. 688, Subpt. D. App. A.)
- W. **Student** is defined as persons registered for courses, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking individuals; those who confirm their intent to enroll in programs; those attending orientation sessions; between academic terms; taking online classes; auditing classes; residing in the residence halls; those that were enrolled on the date of an alleged incident; persons who are active but not enrolled at the College.
- X. **Student Conduct Board** is group of individuals authorized and trained by the Student Conduct and Community Standards Office to hear referrals.
- Y. **Student Conduct Body** refers to the group of authorized persons who administers student conduct proceedings.
- Z. **Student Conduct Official/s** means the person/s designated by the Vice President of Student Affairs to administer the Code of Conduct.
- AA. **Student Organization** means a group or association of students with a specific purpose which has complied with the formal requirements for registration with the College, which is further defined in the Student Organization Affiliation Policy,
<http://deanofstudents.buffalostate.edu/handbook-student-policies#soa>

SECTION 3: CONDUCT POLICIES

While on College property, while attending College-sponsored activities, on or off campus where a definite, legitimate and substantial College interest exists, no student, either singly, or in concert with others, shall violate any of the policies below.

- 1. **Respect for Others**
 - a. **Obstruction-** Obstruct the free movement of persons and College-owned and/or operated vehicles on the College property.
 - b. **Bias Related Incident-** Intentionally selecting a person against whom a criminal offense is committed or intended to be committed because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct.
- 2. **Abuse**
 - a. **Physical Abuse-** Intentionally cause physical injury to self or others or take any action upon any person with such reckless disregard that bodily harm might result.
 - b. **Harassment-** Engage in any repetitive behavior that is threatening or intimidating to another person or that is disturbing to another person and has no legitimate purpose.
 - c. **Stalking-** Demonstrating unwanted or obsessive attention to an individual or group in person or by electronic means. By its nature, stalking is not a one-time event. This

behavior could cause that person to suffer substantial acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose.

- d. **Hazing** – Engage in activity which may include, but is not limited to: paddling or other physical abuse or brutality; consumption of alcohol or drugs; activities that involve illegal acts of excessive fatigue and/or stress; verbal and/or psychological abuse that compromises the dignity of individuals. Hazing is any reckless or intentional conduct in connection with the initiation into, or affiliation with, any organization which degrades, humiliates or endangers the mental or physical health of any person, regardless of the person's willingness to participate. It can also include activities that damage, destroy or remove any public or private property.
- e. **Unlawful Imprisonment**- Physically restrain or detain any person or remove such person from any place where they are authorized to remain.

3. Sexual Misconduct

- a. **Non-consensual sexual contact** - Any intentional sexual touching without consent and/or by force.
- b. **Retaliation** - adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse social, educational or employment consequences, and bullying.
- c. **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 the other sexual misconduct offenses.
- d. **Sexual assault** - unwelcome penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- e. **Sexual harassment** - unwelcome, verbal, non-verbal, or physical conduct that is sexual in nature and sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation.
- f. **Sexual violence** - physical sexual acts perpetrated against a person's will or perpetrated when a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

4. Community Behavior

- a. **Disturbance** - Disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or unreasonably interfere with the freedom of any persons, including invited speakers, to express their views.
- b. **Academic Misconduct**- Practice any form of dishonesty, including cheating, plagiarism, etc.
- c. **Fraud**- Deliberately furnishing false information to the College, either for personal gain or to harm another.

- d. **Unauthorized Access/Entry** -Without appropriate permission enter into a private office of an administrator, faculty or staff member or student organization and without permission access building roofs, storage/trunk rooms, electrical closets, mail cabinets, offices, etc.
- e. **Disruptive Behavior** - constituting a nuisance or danger to persons (including oneself) or property, including, but not limited to being loud, aggressive, intimidating, bullying, engaging in a fight (pushing, shoving, etc.).
- f. **Binge Drinking**- Activities that promote binge drinking or heavy/episodic drinking such as drinking games are prohibited
- g. **Gambling** – including but not limited to contests of chance, illegal lottery and policy for money or something of value; promoting or advancing gambling; gambling using University computing/network facilities; possessing gambling devices or gambling records is prohibited.
- h. **Mail Tampering** - Including but not limited to, removing another person's mail or package from the mailboxes on campus.
- i. **Endangerment**- Acting to create or contribute to dangerous or unsafe environments anywhere on or off-campus. Reckless or intentional acts which endanger, or put at risk, the welfare of oneself or others.
- j. **Failure to Comply**- Failure to present photo identification and/or cooperate with College staff as requested, including failure to attend mandatory meetings College staff.
- k. **Failure to Report**- You must notify staff of a policy violation(s) immediately.
- l. **Failure to Notify**- It is the obligation of every student to notify the designated campus official of any felony or misdemeanor arrests occurring at any time after the student pays his/her/their admissions deposit through graduation or separation from the institution, regardless of geographic location of the arrest or specific crime alleged. Failure to do so may result in conduct charges by the college. The College may review the facts underlying the arrest to determine if there is an associated policy violation.

5. College Property

- a. **Misuse** - Remove, use, vandalize, damage, misuse, willfully destroy, or take College property such as supplies, equipment, furniture, materials, services or documents without authorization.
- b. **Camping**- Camp on College property without authorization by appropriate officials.
- c. **Forgery**- Forge, transfer, alter or misuse any student record, identification card or other College document.
- d. **Computer/Equipment Use**- Any unauthorized use of College video equipment, the campus wide or residential cable system, or College computers is prohibited and may result in disciplinary action. It is impermissible to use any video equipment or computer technology in a manner that infringes upon another's person's right to privacy, violates any provision of this code, and/or to remove video equipment or computer technology from the designated location. Other misuses of College or personal computers or technological equipment are strictly prohibited.
- e. **Updating Records**- fail to keep the College informed of their current mailing address and any change thereof.

6. Safety and Security

Disciplinary action may be taken against a student for violation of a federal, state or local criminal statute. A definite relationship between the statutory violation and the College's rules and regulations must exist. The violation of a statute or conviction off campus must be shown to be such that it justifies action by the College Code of Conduct.

- a. **Theft**- Remove or use another individual's personal property without authorization.
- b. **Willful Destruction of Property**- Vandalize, damage or destroy personal property of another individual.
- c. **Responding to a College Employee** - Failure to comply with a directive by a College Employee who has duly identified themselves and is acting in performance of their duties on College property.
- d. **Entries and Exits** - Tampering with or propping open outside doors and fire doors and/or refuse to leave any building or facility after being directed to do so by an authorized College official.
- e. **Willful Destruction of Property** - Vandalize, damage or destroy personal property of another individual or the College.
- f. **Burglary** - the unlawful entry (trespass) within a structure with the intent to commit a felony or theft.
- g. **Robbery** - the unlawful assault on a person with the intent to take their property.
- h. **Occupying a Facility or Building** - to remain in any building or facility for any purpose after it is normally closed other than its authorized use or in such manner as to obstruct its authorized use by others.
- i. **Guest and Visitation** - All guests must comply with all escort and visitation policies and procedures. Guests may be directed to vacate the residence halls / academic buildings at any time for failure to abide by College policies and procedures.
- j. **Show Valid ID** - All students will be required to show a validated photo ID card when requested & Guests and visitors of BSC students may be asked to show proof of identity.
- k. **Escorting Guests** -Students are entitled to have guests/visitors, but they must be escorted at all times. Students are responsible for the actions of their guests/visitors.
- l. **Animals/Pets** - have animals in College buildings without written authorization from appropriate College officials. Additionally, animals should not be unleashed or otherwise unattended on College property.
- m. **Parking** - violate College parking and driving regulations. (Parking is prohibited at all times on roadways, sidewalks, lawns, grounds, lanes and throughways of parking areas except as posted. The College may have illegally parked vehicles towed away, the expense of which will be borne by the violator.
- n. **Mechanized Vehicles** -To drive motorcycles, snowmobiles or other mechanized vehicles on College property other than on provided roadways.
- o. **Incitement** - incite any other person(s) to commit any of the acts herein prohibited.

7. Weapons and Fire Policy

Possessing or using any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, switchblade knives, knives with blades five or more inches in length, explosives, fireworks or dangerous chemicals (except as authorized for use in class, or in

connection with University-sponsored research or other approved activities). The term firearms include pellet guns, air guns, rifles, shotguns, handguns, multiple firing weapons and any weapon capable of firing a shot. Permission to store a rifle, shotgun or firearm may be requested through the University Police Department (UPD) and is subject to written approval by the University Police Department. All weapons for which permission has been granted for storage on campus must be stored at the University Police Department and may be signed out by the owners through a log maintained by the University Police Department. You may NOT bring any weapon onto campus without prior written approval to do so. NOTE: Possession of any rifle, shotgun or firearm in or upon any building or grounds of the College is also a crime under New York state law without written authorization from the President. Any person doing so without authorization is subject to arrest.

- a. **Fire Safety** - Causing or creating a fire, regardless of intent (except as authorized for use in class, or in connection with University-sponsored research or other approved activities).
- b. **Tampering with Fire or Life Safety Devices** - Tampering includes, but is not limited to, covering a fire and life safety detection device, discharging a fire extinguisher or activating a fire sprinkler, tampering with exits signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior doors or other equipment.
- c. **Firearms and Projectile Firing Devices** - Possession on College property a rifle, shotgun, pistol, revolver or other firearm, an air gun, BB gun, paintball gun or any other replica of a firearm, instrument or weapon in which the propelling force is air or carbon dioxide, knife, club, slingshot, or other thing adaptable to the purpose of a weapon without the written authorization of the chief administrative officer, whether or not a license to possess same has been issued to such person.
- d. **Combustible Materials** - Use or possess on College property any fireworks, explosives, combustible materials, mechanical machinery, fuel-powered equipment or noxious gases without the written authorization of the chief administrative officer.
- e. **Falsifying an Emergency** - Make a false report of a bomb, fire or other emergency in any building, structure or facility on College property.
- f. **Altering Fire or Life Safety Equipment** - Alter or make unwarranted use of firefighting equipment, safety devices or other emergency safety equipment.
- g. **Activating fire and life safety systems** – Activation of fire and life safety systems (i.e. fire alarms, smoke detectors) due to negligence or malicious intent. Persons who have activated the fire alarm system in a building must immediately report themselves to hall staff and/or University Police
- h. **Evacuation Routes** - Obstructing the evacuation route within a hallway, student room, suite, apartment, stairwell, entrance/exit, etc. (desks and other furniture cannot block exit doors)
- i. **Failing to conform to safety regulations** - Including but not limited to, falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, fire codes and regulations or, inappropriate use of the fire alarm system.

8. Alcohol and Other Drugs

- a. **Alcohol Violation** - Consumption of alcoholic beverages is prohibited unless you are 21 years of age. Students who are under 21, and are under the influence of, possessing and/or consuming alcoholic beverages on campus will be in violation of New York State law as well as Buffalo State College policies. (This includes sale and/or distribution of alcoholic beverages other than in authorized areas and to persons at least 21 years of age.) Open containers and public intoxication are prohibited. Students who are irresponsible in their use of alcohol or who provide alcohol to minors will be subject to this code regardless of the student's age. This applies to both on campus and off-campus behavior.
- b. **Smoking** - smoking, including use of devices or any kind (e.g. electronic), anywhere on College property.
- c. **Drug Violation** –Possess, sell, use or distribute illegal drugs on College property or off campus where a nexus between the off-campus location and the College exists under this code. Use, offer for sale, distribution, possession and/or being under the influence of or manufacturing of any controlled substance and/or paraphernalia, including prescription medications, except as expressly permitted by law. University Police will confiscate illegal drug paraphernalia and illegal drugs.

SECTION 4: STUDENT CONDUCT PROCEDURES

The Student Conduct System addresses charges that are brought against a student who allegedly violates the Code of Conduct. The Student Conduct System utilizes a "preponderance of evidence" standard of proof. A preponderance of evidence standard evaluates whether it is more likely than not that a violation occurred. Buffalo State College email is the official means of communication between Student Conduct Officials and students on all matters pertaining to the Student Conduct System.

Student conduct Advisors

The Student conduct advisors will be drawn from a list of faculty and/or staff members selected and trained by the designated Student Conduct Official. Student conduct advisors will advise students of their rights and responsibilities, resources that are available to them, and student conduct procedures preparatory to an administrative hearing or conduct board hearing.

Conduct Boards will:

- Hear and evaluate charges and evidence
- Question participants on matters directly germane to the case
- Make decisions on findings of responsible or not responsible
- Make final determinations of sanctions in cases of responsible findings

Conduct Boards Composition and Limitations

The Student Conduct Board will consist of volunteer members of the campus community who are current faculty, staff, and students. Each board panel will consist of seven persons, including three

students, two faculty, and two staff members. Each board will also consist of two students, one faculty, and one staff member serving as alternates. Board members will hear cases on a rotating basis.

The following persons may not serve on the student conduct boards: the Dean of Students, and University Police officers and staff.

Any board member who has a personal or professional interest in the outcome of a case must disqualify him/herself from hearing the case. Where the designated student conduct official has reason to suspect that such an interest exists, the designated student conduct official must request the board member to disqualify him/herself and inform the board of that request. A simple majority of the board may elect to exclude a board member from participating where the board believes a personal or professional interest exists.

A quorum shall consist of five members, including the chairperson, at least one of who must be a student.

Student Conduct Board Chairs

The Student Conduct Board chair position shall be filled by college faculty and professional staff draw from the conduct board pool and serve on a rotating basis. Student Conduct Chairs will:

- Chair hearings: formally present charges to the board and ensure the orderly and thorough presentation of necessary evidence, participate in board discussion and vote on whether the student is responsible or not responsible.
- Inform the accused student of the board's findings and sanctions if applicable

Appeals Review Board

Members of the appeals board will consist of five members; one faculty member, one staff member, two students, and one member of the College Council. The chair of the appeals board shall be any faculty or staff member who serves as a member of the conduct board. The chair formally presents all information on the case being appealed, participates in board discussion, and votes on all matters before the board. Members of the appeals board will be assigned from a list of volunteers of faculty, staff, and students; the college council member will be appointed by the chairman of the College Council. A quorum shall consist of three members, including the chairperson, at least one of who must be a student.

Appeals Review Board will:

- Review appeals submitted by students within the designated timeframe
- Determine which cases will be granted appeals
- Where deemed appropriate, allow students who have received guilty verdicts to personally address the board and answer questions posed by members of the appeals board
- In cases where sexual misconduct is alleged, the appeals board will, where deemed appropriate, allow complainants who wish to challenge the results of a hearing to personally address the board and answer questions posed by members of the appeals board
- Where deemed appropriate, vacate findings and/or reduce sanctions
- Where deemed appropriate, grant new hearings

- Where deemed appropriate, uphold the decisions of the original hearing board

Initiating Complaints and Scheduling Hearings

Complaints may be initiated by any member of the college community (student, faculty, and/or staff). Any complaint concerning a violation of the Code of Conduct should be made or referred to the Student Conduct and Community Standards Office as soon as practicable but no later than the end of the semester or within 30 days of the incident date, if the incident occurs between semesters. All complaints must be filed in writing. If it is determined that the complaint is within jurisdiction, a hearing shall be scheduled. Both the complainant(s) and accused shall be notified by email to their official college email address at least three (3) business days before the hearing date. The hearing will be concerned only with the allegations written in the complaint. In cases where sexual misconduct is alleged, the complainant and accused shall, upon request of either party, be separated from view of each other during the course of a hearing, such that both parties and the hearing board are able to hear each other.

Student Conduct board and administrative hearings are held Mondays thru Fridays.

Hearing the Case

Accused students and complainants may each bring a student conduct advisor of their choice at their own expense. This person may assist them during the hearing. The student conduct advisor takes no direct part in the proceedings, unless permitted to do so by the chair, although they may advise students during the proceedings. All hearings are closed to the public. Only individuals directly concerned with the extant case may be present during a hearing; e.g. complainant(s), witnesses, the accused, student conduct advisor(s). Observers are not allowed, it is the responsibility of both the accused student(s) and complainant(s) to notify witnesses of the time and place of the conduct hearing. Complainants and accused students are responsible for presenting their cases, with the assistance of a student conduct advisor if desired and have the right to present witnesses on their behalf and to ask questions of witnesses presented by the opposing party or parties. No evidence other than that received at the hearing may be considered by the hearing board. Written statements by anyone not present at the hearing are not acceptable.

Decisions

The hearing board will determine if responsibility of the student(s) accused by a simple majority vote of those present during the entire hearing. Judgment shall be based solely upon the evidence presented at a hearing. In cases where sexual misconduct is alleged, judgment shall be based solely upon a preponderance of the evidence presented at the hearing and the provisions of the Sexual Violence Addendum will apply. In the case of a "responsible decision, short of suspension or dismissal from the college, the hearing board shall determine the sanction. Sanctions will be determined by a simple majority vote. Past disciplinary records may be taken into consideration.

The chairperson may present the decision of the hearing board to the accused student and summarize the reasons for the decisions. A student found in violation of this code will be asked to sign a statement indicating that they understand the decision. Signing the statement does not necessarily indicate agreement with the decision.

Both the accused student and the complainant must be informed as soon as practicable but no later than 30 days after the outcome of any institutional disciplinary proceeding brought alleging violation of the code. The outcome of a disciplinary proceeding represents only the institution's final determination with respect to the alleged offense and any sanction that is imposed against the accused student.

1. The following is a timeline of the major steps in the conduct review process:

- a. **Student Conduct Hearing:** if a complaint is submitted, a student conduct hearing will be held as soon as possible, all parties will receive at least 3 business days' notice.
- b. **Parties Receiving Notice of the Outcome of a conduct hearing:** both the complainant and the accused will receive notice of the outcome of a conduct hearing as soon as possible.
- c. **Parties Filing an Appeal of the Results of a conduct hearing:** both the complainant and the accused are entitled to an appeal of the results of a conduct hearing. Such an appeal must be submitted within three (3) days of receipt of notice of the outcome of the conduct hearing.
- d. **Appeals Hearing and Notice of the Outcome of an Appeal:** the appeals board will meet to review appeals as soon as possible once all appeal-related documents have been submitted. Upon the conclusion of the appeal, both the complainant and the accused will receive notice of the outcome via email. The decision of the appeals board is final.

*Reasonable exceptions to the stated timelines are at the discretion of the designated student conduct official.

2. Referrals

- a. When an incident occurs and there are allegations that a student violated the code of conduct, a Student Conduct Referral may be filed by any College faculty, staff and/or student. Individuals who wish to initiate a Student Conduct complaint, must put a complaint in writing, any complaint should be submitted as soon as possible after the event takes place, preferably within the academic year in which the alleged violation took place. While timeliness is preferable, there is no deadline by which a complaint must be filed as long as the respondent is a current student at Buffalo State College. Assistance in filing a complaint is available from the Student Conduct and Community Standards Office, the Dean of Students Office, the Counseling Center, or the Office of Equity and Campus Diversity/Title IX Coordinator.
- b. When an allegation of misconduct has been determined, a student will:
 - i. Be notified that a complaint has been filed against them via Buffalo State College email;
 - ii. Have an opportunity to meet with a Student Conduct Official to review the Student Conduct Referral which includes the code violations;
 - iii. Learn about the student conduct proceedings and have questions answered;
 - iv. Give their perspective about the incident; the student(s) accused shall be given the opportunity to provide a written account of his/her perspective of the act(s) in question to the Student Conduct and Community Standards Office. If a statement is provided it will be disclosed to the complainant and the Hearing Board. This statement must be submitted within three days prior to the hearing.
 - v. Provide witness information, if applicable;

- vi. Receive information about having a student conduct advisor assigned
- vii. Students may not be required to sign a non-disclosure agreement or other document forbidding them from discussing their case. This applies to respondents and reporting individuals. Participants are not themselves barred by FERPA from sharing this information. However, that this does not allow students to unreasonably share private information in a manner intended to harm or embarrass another individual, or in a manner that would recklessly do so regardless of intention. Such sharing may be retaliation which can result in separate charges under the Code of Conduct.
- viii. The Student Conduct Process will run concurrently with any criminal justice investigation and proceeding, if applicable, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays will not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- ix. The Student Conduct Official will determine the manner in which the case will be resolved and will communicate this to the Respondent and the Complainant/s.

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

a. Administrative Resolution Hearing

- i. Students will attend a hearing with a Student Conduct Official to review the incident and speak about options for a resolution.
- ii. The respondent will have the right to accept or deny responsibility for the violations that they are charged with. The Student Conduct Official will render a finding based on the preponderance of evidence. If the finding/s warrant any sanction, they will be imposed and communicated to the respondent in writing via Buffalo State College email. The Student Conduct Official reserves the right to render findings and impose sanctions in the absence of the respondent, should they fail to attend their scheduled hearing. The respondent maintains the right to file an appeal. Imposed sanctions may only be applied in cases where sanctions will not result in suspension or dismissal from the College.
- iii. Absence of Student Board Members: In the event that all parties involved agree to have a hearing without the presence of student Conduct or Appeals Board members, then additional faculty or staff members will be substituted. All parties must sign a waiver acknowledging their agreement to this substitution.
- iv. Student Conduct Body/Committee Hearing When the Respondent contests the referral for an administrative resolution hearing and/or is facing, suspension or dismissal from the College, or at the discretion of the Student Conduct Official, a hearing will be scheduled. The Student Conduct Official may later serve as the complainant at a Student Conduct Hearing. The Student Conduct and Community Standards Office will make every effort to schedule hearings around students' academic schedules only. Hearings are conducted as follows:
 - 1. Both the Respondent and Complainant/s:

- a. Receive written notice of a hearing date, time and place at least 3 (three) business days in advance;
 - b. Must represent themselves;
 - c. Parties may be separated during the hearing at the request of either the complainant(s) or the student(s) accused to provide testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
 - d. May have one student conduct advisor present. The student conduct advisor may not address the Student Conduct Body but may speak privately with the advisee during the proceedings;
 - e. Have the right to call witnesses (names of witnesses must be submitted to the Student Conduct Administrator at least 3 (three) business day before the hearing) who have direct knowledge of the incident;
 - f. Hear the description of incident and conduct charges (the Respondent will then state their responsibility for the charges);
 - g. Have the opportunity to make an opening statement;
 - h. Have the opportunity to ask questions of each other and their witnesses;
 - i. May be questioned by the Student Conduct Body;
 - j. Have the opportunity to make a closing statement. Both the reporting individual/survivor and the accused are entitled to make an impact statement during the point of the proceeding where the hearing board is deliberating on appropriate sanctions.
- v. The Student Conduct Body encourages student involvement in the conduct proceedings and relies on full and open discussion of cases with all parties concerned in order to render a fair judgment. The Student Conduct system is administrative in nature and, as such, is not considered a court of law where formal rules of process, procedure or technical rules of evidence apply.
- 1. Referrals involving multiple students for the same incident can be resolved at one hearing.
 - 2. Hearings are regarded as confidential and closed to all but the principals of the case, their witnesses, their student conduct advisor and Student Conduct and Community Standards. Student Conduct Body members in-training may observe.
 - 3. An official audio recording will be made of the proceedings. This recording is the property of the College and will not be duplicated or released. Participants are prohibited from making their own recording during the hearing (including but not limited to audio, photographic and/or written recording). The Respondent and Complainant may submit a written request to Student Conduct and Community Standards Office for permission to listen to the official audio recording in a

supervised location on campus. An official written transcript can be provided by the College at the requesting party's expense.

4. Evidence to be presented by the complainant(s) and respondent(s) during any hearing on the charges must be submitted to Community Standards at least three (3) business days in advance of the scheduled hearing. This evidence will be shared with the opposing party. The Student Conduct Board or Chair may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. Student Conduct and Community Standards Office or the Student Conduct Body will make the final decision related to the admissibility of all evidence.
5. It shall be the responsibility of the Student Conduct Body to determine the relevancy of testimony and written evidence.
6. Should the Respondent or Complainant fail to appear for a scheduled hearing, a finding will be made based upon the information available and the sanction(s) will be imposed, if appropriate.
7. The primary function of any Student Conduct Body is to determine, using a preponderance standard, whether the Respondent has violated the provisions of The Code of Conduct and if so, recommend an appropriate sanction.
8. The Respondent will be notified, in writing via Buffalo State College email, of the final decision of the Student Conduct Body and of the right to appeal. Consistent with the provisions of the Family Rights and Privacy Act (FERPA) regulations, and in cases involving sexual offenses or crimes of violence, both the Respondent and the Complainant will be notified of the final decision of the Student Conduct Body.
9. Respondent's status at the College is not altered until the appeal decision is final. In certain cases, however, the Vice President may determine that the Respondent's presence is a threat to the College community and uphold the sanction imposed by the Student Conduct Body until the appeal is final.

b. Alternative Dispute Resolution

- i. Mediation is a voluntary process that requires the commitment of all parties. It is appropriate when a violation arises out of a dispute between students. It is generally reserved for first time and less serious violation/s. The goal is to reach a written agreement to resolve the dispute and to prevent it from reoccurring. The Student Conduct Administrator will retain a record of the mediation efforts and the mediation agreement. If the parties fail to live up to the agreed settlement, or if mediation attempts fail to reach an agreement, a referral will be processed.
- ii. Community Standards Accountability Board (CSAB) CSAB is a restorative justice practice, which presents an alternative to the traditional disciplinary process by engaging the responsible party, as well as the parties harmed by their behavior, in a dialogue that seeks to repair harm. The goal is to design a process which

reintegrates the responsible party into the community. The student also plays a key role in deciding what he or she must do to repair the harm they may have caused by the behavior. The responsible party must acknowledge that his/her behavior violated the Student Code of Conduct and harmed another in order to participate in the UCAB process. This procedure is generally reserved for first-time and less serious violations. UCAB facilitators are selected from a pool of faculty, staff and students.

4. Student Rights

- a. The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- b. The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- c. The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- d. The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- e. The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College).
- f. The right to present evidence and testimony at a hearing, where appropriate.
- g. The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- h. The right to exclude prior sexual history with persons other than the other party in the conduct process or their own or past mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- i. The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- j. The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

- k. The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- l. The right to written or electronic notice about the sanctions(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- m. Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- n. The right to have access to the record of a student conduct hearing, which shall be preserved and maintained for at least five years and is available by contacting the Student Conduct and Community Standards Office.
- o. The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- p. The right to have all information obtained during the course of the conduct process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

SECTION 5: CASES OF SEXUAL MISCONDUCT

1. Amnesty in Sexual and Interpersonal Violence Cases

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Buffalo State recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Buffalo State strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to campus officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Buffalo State officials or law enforcement will not be subject to Buffalo State's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

2. Policies Related to the Resolution of Allegations of Sexual Misconduct

- a. The campus will promptly review existing no contact orders at a party's request, including requests to modify the terms of or discontinue the order. The parties can submit evidence to support their requests. If the campus finds it appropriate, it can even make a schedule for parties who seek to use the same facilities without running afoul of the no contact order.
- b. The campus will promptly review existing interim suspensions at a party's request, including requests to modify the terms or discontinue it. Parties can submit evidence to support their request.
- c. The campus will promptly review existing interim measures and accommodations at the request of the party who is affected by that interim measure or accommodation. The parties can submit evidence to support their request.

- d. For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.” Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.
- e. Students may submit an appeal to the Dean of Students seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.
- f. Policy on how parties can review the case file/evidence In student disciplinary proceedings involving domestic violence, dating violence, stalking, or sexual violence, the campus will allow parties to review available evidence held by the campus in accordance with college/university policy. Parties can also present available evidence as appropriate under campus policies.

SECTION 6: SANCTIONS, TEMPORARY AND ADMINISTRATIVE DIRECTIVES

It is the responsibility of the student to complete sanctions within the required time period. A student must return to the Student Conduct and Community Standards Office, the “Completion of Sanction” form signed by the appropriate individuals. Failure to complete sanctions may result in an official “hold” placed on all permanent records of a student and/or further charges.

In the event of non-compliance with an order of suspension or dismissal, University Police will be responsible for ensuring enforcement. The following sanctions may be imposed upon an individual, or student organization, if found responsible for one of the specified violations.

1. Sanctions

- a. **Reprimand or Warning** - Written notice that continuation or repetition of the violation within a period of time stated in the warning may be a cause for more severe disciplinary action.
- b. **Social Probation** - Restriction from participation in specified college/sponsored activities, events, or use of specified college facilities.
- c. **Restitution** - Reimbursement for damage or misuse of property.
- d. **Educational Workshop and Programs** - Workshops or Programs produced by the student respondent pertaining to their violations and submitted to the Student Conduct and Community Standards Office.

- e. **College or Community Service** - In consultation with the Student Conduct and Community Standards Office, students may be assigned appropriate community or college service. Such service may not exceed 50 hours and may not conflict with the student's religious or ethical views.
- f. **Disciplinary Probation** - Status of student is declared probationary for a specific period of time which shall not be less than three months nor more than one calendar year. Further violation of recognized rules and regulations may warrant immediate suspension or expulsion from the college. This sanction precludes the student from representing the college in an official capacity (e.g. intercollegiate athletics or student office, etc.) and it may include the loss of specific privileges.
- g. **Suspension**— Students suspended from the College as a result of violations of the Code shall not receive credit for the semester in which the expulsion occurred and will be liable for all tuition and fees for that semester. During the suspension period you are not eligible to register or take classes. You shall not, without prior permission of the Dean of Students enter or remain on the campus of the State University of New York College at Buffalo. Violation of any condition of the suspension shall be grounds for dismissal from the college. If you are a resident student, you must vacate the residence halls within 48 hours of notification of the suspension, unless otherwise specified. The suspended student may not visit the campus unless prior permission is given by the Dean of Students. You will be banned from campus until your suspension ends, if you violate this ban and suspension you may be subject to arrest .
- h. **Dismissal**— the College views this as a serious violation and has ordered that you be permanently dismissed from the College. This sanction was reviewed and approved by the President and Vice President for Student Affairs. As a result of this determination you may not reapply for admission. You are banned from being on campus, if you are found on campus you may be subject to an arrest. Students dismissed from the College as a result of violations of the Code shall not receive credit for the semester in which the expulsion occurred and will be liable for all tuition and fees for that semester.
- i. **Interim suspension** - The designated student conduct official may suspend a student pending a hearing and determination thereof, whenever, in their judgment the continued presence of such student would constitute a clear danger to the student themselves or to the safety of persons or property or would pose an immediate threat of disruptive interference with the normal conduct of the institutions' activities and functions. During an interim suspension, the student shall not, without prior permission in writing from the Vice President of Student Affairs or the designated student conduct official, enter or remain on the campus of the Buffalo State College other than to attend the hearing. Violation of any condition of the interim suspension shall be grounds for dismissal from the college. The student must leave the campus immediately upon notification of the suspension or expulsion unless an appeal is granted or an extension is approved by the designated student conduct official. Students who are placed on an interim suspension will be scheduled for a student conduct body hearing within a reasonable timeframe.

- j. **Sexual Misconduct Sanctions** - Sanctioning for sexual violence violations shall follow the guidelines set out in the Code of Conduct except as described below:
 - i. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
 - ii. Neither mediation nor informal resolutions are appropriate in cases of sexual assault.
 - iii. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- k. **Residence Hall Sanctions** - Sanctioning for Residence Hall violations shall follow the guidelines set out in the Code of Conduct except as described below
 - i. Residence hall probation. A student's resident status is declared probationary for a specified period of time. Residence hall probation is a strict warning against further violation(s) of residence hall/college policies. Further violations may result in loss of a student's license to live on campus.
 - ii. Imposed reassignment. A resident student will be reassigned to an available space on campus to be determined by the conduct hearing board and office of residence life. The student will be required to move to the new assignment within a specified and reasonable period of time or be subject to immediate suspension from the residence halls.
 - iii. Removal Hall Removal in Abeyance- Students placed on removal in abeyance are permitted to remain as a campus resident provided that they abide by the rules and regulations for outlined in the code of conduct and for campus residency. Students must complete all other sanctions assigned. Violations of any campus policies while placed on Removal in Abeyance will result in immediate removal from campus housing.
 - iv. Removal from the residence halls. The student will be required to immediately vacate the residence halls for a reasonable specified period. The student may apply to the Student Conduct and Community Standards Office to be readmitted to the residence halls following a period of suspension. Any individual under suspension or expulsion from the residence hall is prohibited from entering any residence hall without explicit permission, in writing, from the Student Conduct and Community Standards Office.
 - v. Housing Termination/Non-Renewal of License- Students who have their housing terminated will no longer be permitted to live in or visit the residence halls for a two year period.

2. Transcript Notation

- a. Effective June 1, 2004, Buffalo State College will indicate a permanent notation on the official college transcript of any student that is dismissed as a result of either serious and/or repeated violations of the Code of Student Rights, Freedoms and Responsibilities.
- b. For code violations that are a threat to the safety of other the College shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the

respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending."

- c. Violations equivalent to the Clery Act (as updated by the Violence Against Women Act Final Regulations) Part I crimes covered under the legislation that would require a transcript notation are: murder; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson. Notations may not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

3. Administrative Directives

- a. **Absence of Respondent** - If the respondent does not appear at the hearing and if it has been determined that the respondent did receive the required notice of the hearing, the case will be heard in their absence and a decision will be rendered by the Board.
- b. **Absence of the Complainant** - If the complainant does not appear at the hearing and if it has been determined that the complainant did receive the required notice of the hearing, the case may be dismissed.
- c. **Absence of Quorum** - In the event that a quorum of the Board is not present, the hearing will be rescheduled. The rescheduled hearing will take place within ten days of the first hearing date.
- d. **Reporting Decisions** - A written report of the findings of the Student Conduct Body and the sanctions imposed or recommended, by the Body, shall be forwarded to the Student Conduct Office.
- e. **Conduct Records**
 - i. Student records, including files, taped proceedings and testimony of cases heard before the conduct hearing board are confidential.
 - ii. College guidelines concerning the confidentiality of student records in accordance with the "Family Educational Right and Privacy Act (PL 93-380) of 1974," as amended, shall be followed.
- f. **Non-Retaliation** - All persons are prohibited from engaging in any form of retaliatory action against another party including complainants and student (s) accused, witnesses at a hearing, members of the hearing or appeals board, Conduct Affairs staff or any other person associated with the conduct complaint. Retaliation is considered to be any action that is perceived as intimidating, hostile, harassing, retribution, vengeful, or violent that occurs as a result of a conduct action.

4. Appeals

- a. An appeal must be made in writing to the Student Conduct and Community Standards office within three (3) days of receiving notification of the outcome of the hearing. An appeal must include the specific reason(s) for the request. Such reasons for appeal are limited to the following: procedural error, inappropriate application of college regulations, presence of new information, or the severity of the sanctions imposed. The appeals board shall first determine whether or not an appeal will be granted. If granted, the appeals board shall make a decision to amend the sanctions and/or findings for the

case or schedule a rehearing. In cases where an error is found or if there is compelling new evidence, the appeals board shall issue a new decision or recommend a new hearing. The appeals board may elect to request to speak directly with complainants, witness, or the accused student(s). In cases where sexual violence is alleged, both the complainant and the accused have the right to request an appeal of any decision made by a student conduct body which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.

- b. 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 ten (10) days, which the appeals board will consider together.
- c. All sanctions imposed shall be considered in effect until/unless reversed by the Appeals Board. The decision of the appeals board is final.

Revisions and/or Amendments

All material revisions and/or amendments to the Code of Conduct must be approved by the College Council with the advice of the President