2009–10 Community Standards:

Student Code of Conduct

Hit the ground running®... Alfred State
Alfred State College is first and foremost an institution of learning and teaching, committed to serving the needs of society. Our campus community reflects and is a part of a society comprising all races, creeds, and social circumstances. The successful conduct of the college’s affairs requires that every member of the college community acknowledge and practice the following basic principles:

• We affirm the inherent dignity in all of us, and we strive to maintain a climate of justice marked by respect for each other. We acknowledge that our society carries within it historical and deep-rooted misunderstandings and biases, and therefore we will endeavor to foster mutual understanding among the many parts of our whole.

• We affirm the right of freedom of expression within our community and also affirm our commitment to the highest standards of civility and decency toward all. We recognize the right of every individual to think and speak as dictated by personal belief, to express any idea, and to disagree with or counter another’s point of view, limited only by College regulations governing time, place, and manner. We promote open expression of our individuality and our diversity within the bounds of courtesy, sensitivity, and respect.

• We confront and reject all manifestations of discrimination, including those based on race, ethnicity, gender, age, disability, sexual orientation, religious or political beliefs, status within or outside the College, or any of the other differences among people which have been excuses for misunderstanding, dissension, or hatred. We recognize and cherish the richness contributed to our lives by our diversity. We take pride in our various achievements, and we celebrate our differences.

• We recognize that each of us has an obligation to the community of which we have chosen to be a part. We will strive to build a true community of spirit and purpose based on mutual respect and caring.
PRINCIPLES OF COMMUNITY

As members of Alfred State College, we choose to be part of an academic community dedicated to those principles that foster personal and professional integrity, civility, and tolerance.

We strive toward lives of personal integrity and academic excellence - We will encourage in ourselves, and in one another, those responsible actions which lead to lives of productive work, personal enrichment, and useful citizenship in an increasingly interdependent world.

We commit to treat one another with civility - Recognizing that there will be differences of opinion, we will explore these differences in a courteous and forthright manner, always acknowledging individual rights to freedom of expression and association.

We support tolerance — We encourage those of all cultures, orientations, and backgrounds to understand and respect one another in a safe and supportive educational environment.

This set of principles set forth by the College is supported by policies including the Student Code of Conduct and the Policy on Academic Integrity.

Adopted by the Alfred State College Faculty Senate - 4/8/97
Adopted by the Alfred State College Student Senate - 4/8/97
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PREAMBLE
To enter Alfred State College is to accept an invitation to participate in the growth and development of a “community marked by freedom, mutual respect, and civility.” Choosing to become a member of this community implies a commitment to an open dialogue about the basic human questions fundamental to higher education and a responsibility to maintain an environment in which this dialogue can occur. Respect for the dignity, integrity, wellbeing, and property of others is essential to the maintenance of the Alfred State College community.

Alfred State College, a community comprised of students, faculty, staff, and administrators, recognizes the need to establish a student code of conduct which contains rules and regulations to guide student actions and to define the penalties which are to be imposed when these rules and regulations are violated. Responsibility for administration of these rules/regulations is divided among these three groups which are charged with adherence and enforcement. The College, through its Student Code of Conduct, seeks to establish in its students a sense of responsibility to themselves and to others who are citizens of the total College community. It is the College’s expectation that while here, all students would take into consideration other individuals and their rights to an environment that is conducive to academic achievement and personal growth.

It is the policy of Alfred State College to ensure that rights of an individual guaranteed by state laws and the U.S. Constitution are protected for all citizens regardless of their gender, race, color, ethnicity, sexual orientation, or religion. When such rights are infringed upon by violence, threats, or other harassment, the College will use every necessary resource to rapidly and decisively identify perpetrators for criminal and/or administrative prosecution.

The Student Code of Conduct is a document designed to foster a community conducive to achieving the mission of Alfred State College. The opportunity to participate in this academic community requires individual responsibilities. By voluntarily choosing to affiliate with the College, students indicate knowledge and acceptance of the responsibilities outlined in the Student Code of Conduct.

STANDARDS FOR THE CONDUCT OF STUDENTS
The College expects its students to act with integrity. Dishonesty, fraud, and failure to respect the rights of others cannot be tolerated in a community which is dedicated to the development of responsible individuals.

A student will be subject to College disciplinary action for violation of the following codes of conduct:

- Academic Integrity Policy
- Student Code of Conduct
- Code of Civil or Criminal Law

Students as defined here include residential students, commuter students, part-time students, full-time students, and online students. Failure to comply with these policies can result in disciplinary action.

The Student Code of Conduct prescribes standards for the conduct of students on and off the campus (including minors in possession of alcohol, providing alcohol to minors, disorderly/disruptive conduct, drug sale, and any activity off campus that is considered an act of violence to oneself or another). Many of these regulations are similar to federal and state statutes; therefore, a violation of the Student Conduct Code may concurrently represent a violation of a civil statute. The College and civil jurisdictions are considered independent, each based on its separate, distinct needs. Thus, both criminal and College proceedings could result from the same violation. Civil or criminal action before or after College action shall in no way alter the College proceedings or findings, nor provide any right to immunity from College jurisdiction.
Generally, the College’s jurisdiction for addressing student misconduct is applied to incidents that occur on campus property and at College-sponsored events and activities. The College may also exercise its right to impose disciplinary charges with students and student organizations for inappropriate behavior that occurs off campus if such behavior violated the penal law and/or is deemed as a possibly adversely affecting or endangering (a) the College community or (b) the interests or mission of the College. College authorities shall expedite disciplinary proceedings, recognizing the advantage of a prompt hearing in the event of alleged infractions, while guaranteeing due process.

Behavior causing serious personal endangerment, such as abuse of alcohol or other drugs, may subject a student to immediate suspension prior to a hearing as outlined in the section of the code titled “Interim Suspensions.”

All student members of the Alfred State College community have certain rights. These include:

- The right to learn, which includes the right of access to ideas, the right of access to facts and opinions, the right to express ideas, and the right to discuss those ideas with others.
- The right to be treated as an individual member of the community, which includes the right to be free of discrimination based upon age, sex, religion, ethnic or national origin, handicap, or status as a veteran and the right to be free from harassment of any type.
- The right of peaceful coexistence, which includes the right to be free from violence, force, threats, abuse, and the right to move about freely.
- The right to be free of any action that unduly interferes with a student’s rights and/or learning environment.
- The right to express opinion, which includes the right to state agreement or disagreement with the opinions of others and the right to an appropriate forum for the expression of opinion.
- The right to privacy.
- The right to have access to a process through which to resolve deprivations of rights and, in the case of disciplinary procedures, the right to be informed of any charges of misconduct, the right to adequate time to prepare a response to the charges, the right to hear evidence in support of the charges, the right to present evidence against the charges, the right to an adviser, the right to a fair procedure which is appropriate to the circumstances, and the right to be informed of the outcome of any proceeding.

All student members of the Alfred State College community (including residential, commuter, full-time, part-time, and online students) have certain responsibilities to the institution and to its members. These include:

- Respect for the rights of others, which includes the obligation to refrain from conduct that violates or adversely affects the rights of other members of the Alfred State College community.
- The obligation to refrain from conduct in the general community which adversely affects the Alfred State College community.
- The obligation to refrain from interfering with the freedom of expression of others.
- The responsibility for the avoidance of force, violence, threat, or harassment.
- The responsibility for the avoidance of disruption. Certain kinds of conduct can convert the expression of opinion into disruption.
- The responsibility for the compliance with state, federal, and municipal laws and regulations. Student members of the Alfred State College community must be aware that they continue to be subject to the obligations of all citizens while they attend the College. The College is committed to the observance of the laws. There is no immunity on its campus from the prohibitions of local, state, and federal law regulating the use of drugs, alcohol, or motor vehicles. Violations of the law in the surrounding community injure the College, just as it does other citizens who reside there. The College offers no tolerance for any such conduct.
- The obligation to ensure that the conduct of others who come to the College through a student’s invitation or permission complies with the rules and regulations of the College.
- The obligation to respect the environment of Alfred State College, which includes respect for the physical features of the campus and its facilities, and the special needs of an institution of learning, such as quiet and privacy.
• The obligation to provide proper identification whenever requested to do so by a representative of the College. All students are expected to carry their Alfred State College identification card at all times and to produce the identification card when requested.
• The responsibility to cooperate with College officials in the performance of their duties.
• The responsibility to respect the values and traditions of Alfred State College as an institution of higher education.

OFFENSES AGAINST THE NYS PENAL LAW
All students are subject to the NYS Penal Law. Any violation of the NYS Penal Law, whether occurring on or off campus, may be processed as a violation of the Student Code of Conduct. All felony convictions for actions occurring when the student is enrolled at Alfred State will be processed as a violation of the Code.

INTERIM SUSPENSION
Pending a formal hearing, the vice president for student affairs (or designee) may suspend a student temporarily from the College immediately after an incident or upon a felony indictment of a student by a Grand Jury. The following procedure is observed:

When the vice president for student affairs (or designee) judges the continued presence of a student would be dangerous, either to him/herself or others, the vice president for student affairs (or designee) will order an immediate investigation with any of the following staff (University Police, Counseling Services, and Health Services). The vice president may suspend the student immediately upon receiving the outcome of the investigation, pending a judicial review/hearing, if there is reasonable cause to believe a violation has occurred and the student charged was the violator. The vice president (or designee) will inform the student in writing, by personal delivery, or if this is not possible, by mail to the student’s usual place of residence or to a place where the student is currently being held, observed, or assisted (e.g., police station, jail, emergency room, medical facility, etc.).

The notice of interim suspension will include charges specifying the violation(s). The matter will then be referred to the Office of Judicial Affairs for disciplinary action. The student will be contacted by the Office of Judicial Affairs to discuss the disciplinary process. The student may request and receive an immediate appointment with the vice president for student affairs (or designee) for explanation only. As in all suspensions, the student is subject to being banned from entering the residence halls or campus, attending classes, or attending any College-sponsored event.

There is no appeal to the vice president for student affairs’ (or designee) decision of an interim suspension pending a hearing. A judicial review and/or disciplinary hearing will convene within a reasonable time considering the circumstances of each case including but not limited to:

1. time of academic year;
2. availability of witnesses (especially any injured party);
3. whether criminal charges are pending or an investigation is ongoing.

REGULATIONS
Section One — ALCOHOLIC BEVERAGES

Introduction: Alfred State College students are expected to comply with local, state, and federal laws relating to the use of drugs and alcohol. The College will not tolerate conduct which disrupts the campus and the academic or residential environment. The College values its relationship with the Village of Alfred and recognizes the right of its neighbors to be secure from abusive conduct caused by illegal use and/or irresponsible use of drugs and alcohol on and off campus.
With this in mind, Alfred State College has established a clear, concise policy relating to the illegal use of alcohol and drugs. The use, possession, sale, or distribution of any controlled substance, the use, sale, possession, or distribution of alcohol by anyone under the age of 21, and the unauthorized possession of any central alcohol source (e.g., kegs, beer balls, trash can punches, etc.) by students on the Alfred State College campus or in the course of College activities are prohibited.

The majority of offenses against people and property committed at Alfred State College are a direct result of alcohol use/abuse. Such high-risk behavior is unacceptable to the student population and community at large.

Philosophy and Rationale: The Alfred State College community is acutely aware of the problems that commonly result from alcohol consumption. Alcohol addiction, disruptive and destructive behavior, and the wasting of individual health and talents are perils that require recognition and preventive measures. Regardless of age, any individuals who consume alcohol to a level where they place themselves or others in harm’s way are engaged in high-risk behavior. High-risk behaviors are dangerous and antithetical to a community committed to safety, learning, and respect. When the College is notified of student misconduct in regard to alcohol misuse or abuse off campus, it may also choose to hold the student accountable through the campus disciplinary process. College policies and regulations reflect these concerns and shall serve to remind potential offenders of the likely consequences.

The purpose of the College is two-fold: it must provide the best possible opportunity for learning, and it must create an environment conducive to personal growth. These goals are hindered by alcohol abuse. Student drinking patterns that interfere with the accomplishment of College goals are unacceptable and shall be cause for disciplinary action ranging from disciplinary warning to disciplinary suspension. Students who are mandated by the hearing process to attend an alcohol assessment or an alcohol and drug education program and fail to successfully complete these programs as required will be subject to further disciplinary action which may include dismissal from the College.

Overview: The information that follows serves as a sanctioning guideline used when addressing on- and off-campus violations of the College’s Community Standards involving alcohol. Sanctions may be lesser or more severe depending on the circumstances of the incident and consideration of any prior disciplinary record. To list all those acts which might constitute unacceptable conduct is impossible; however, student participation in any of the actions below or other potentially serious violations of College policy may warrant judicial action.

Personal Accountability and Responsibility: Students who are of legal drinking age and choose to consume alcohol are expected to limit their use so as not to interfere with their ability to act responsibly. Impairment from the use of alcohol does not diminish personal responsibility for one’s actions and behavior. If a student is in violation of another policy (e.g., non-compliance with College officials, law enforcement and emergency personnel, destruction of property, assault, tampering with fire safety equipment, etc.) while under the influence of alcohol, the individual is subject to disciplinary action for all violations that may have occurred.

Philosophy and Rationale for 21 and Over: The College permits persons of legal age to possess and consume alcoholic beverages in its College-administered housing units within the limits detailed below.

1.1 Alcohol Possession:
Possession of alcoholic beverages without proper authorization in any building, on any property owned, or controlled by the College, or is a violation of campus policy, local, state or federal law is prohibited. Persons under the age of 21 shall not consume or have in their possession alcoholic beverages on or off campus.

Range of Sanctions: Disciplinary Warning to Suspension
Information: The following list itemizes types of alcohol possession violations of College policy, local, state, or federal laws:

• Drinking/possession of alcoholic beverages by any student or student organization while riding in state, College-owned or facilitated, Student Senate, and ACES-owned/operated vehicles, or personal vehicles is prohibited.
• Alcohol paraphernalia (e.g., kegs, beer balls, taps) are not permitted on campus. In addition, for students under the age of 21, the possession of other alcohol paraphernalia (e.g., cans, bottles, empty cases) is also prohibited (Statement of Concern is permissible as minimum sanction).
• Persons of legal drinking age shall not consume or have in their possession an open container (seal broken) of alcoholic beverage outside their room or a lounge designated as 21 years of age or older and where consumption of alcohol is permitted. In designated residential lifestyle for 21 or older, students must keep all alcohol behind a lockable suite door and/or rooms within the area designated as 21 or older.
• Large containers/amounts of alcohol (e.g., kegs, half-kegs, quarter-kegs, beer balls, or punches) are not permitted on campus and are subject to confiscation regardless of the age of the person in possession.
• Operating a motorized vehicle under the influence of alcohol is prohibited.

College policy permits the use of alcohol in moderation for those of state-mandated legal age but denounces excessive consumption. Those who consume alcoholic beverages must remain in control of their behavior, respect the rights of others, and shall be held responsible for their actions. Promotions which encourage consumption of alcohol are prohibited.

It is the responsibility of all students of legal drinking age (i.e., 21 and over) to have proof of age of anyone consuming alcohol in their presence. For a student’s protection, this may require asking for a current driver’s license, New York State Identification Card, or original birth certificate.

See the table Minimum Sanctions for Alcohol and Drug Violations on pages 7-8 for additional information regarding sanctioning.

1.2 Alcohol Intoxication:
Being intoxicated due to the level of consumption of alcohol (where students have placed themselves or others in harm’s way or are experiencing significant difficulty functioning physically) is not permitted.

Range of Sanctions: Disciplinary Warning to Suspension

Information: Any student, regardless of age, may be charged with a violation of this regulation. Examples of alcohol intoxication include students transported to the hospital for alcohol consumption, students found passed out in College facilities, on College property, or at College-sponsored events, students exhibiting a significant level of incoherent behavior (e.g., driving while intoxicated, vomiting as a result of alcohol consumption, disorderly behavior). Students can also be charged with a violation of this regulation for their conduct off campus. Past violations have resulted in disciplinary outcomes that include a mandatory substance abuse assessment, denial of campus residency, participation in intensive in-patient treatment programs while the student is suspended, and the possibility of arrest and prosecution under local, state, or federal laws.

See the table Minimum Sanctions for Alcohol and Drug Violations on pages 7-8 for additional information regarding sanctioning.

1.3 Providing Alcohol to Minors:
As a violation of campus policy and State law, providing alcohol to minors, regardless of the age of the person providing, is prohibited.

Range of Sanctions: Disciplinary/Organizational Probation to Suspension/Organizational Suspension*
**Information:** Individual student conduct – Students may also be charged disciplinarily for conduct off campus if they provide alcohol to minors. Past violations have led to individual student arrests and campus disciplinary outcomes that have included denial of campus residency and suspension.

Students of any age found responsible for permitting the consumption/possession of alcohol by minors (whether in their room, suite, lounge, at a campus location, at an off-campus location, in their vehicle, at a College-sponsored event) are in violation of this section. Violators of this regulation will receive a higher sanction than those found responsible for consumption/possession of alcohol as minors.

Student organization conduct – Student organizations can also be charged with a violation of this regulation if the College is informed that the student organization has violated federal, state, or local laws or their actions (a) represent disorderly conduct or (b) pose a direct harm or threat to themselves or another person (e.g., providing alcohol resulting in intoxication of another, consumption of alcohol by minors on the premises). Past violations of this regulation have resulted in organizational probation, organizational suspension, and denial of housing waiver privileges as a Greek organization.

*In addition, individuals or groups that host, sponsor, or allow drinking games or contests where alcohol is being consumed in their room, suite, lounge, or off-campus residence is prohibited. If an individual is harmed as the result of this behavior, the minimum sanction that a host may receive is Disciplinary Suspension. A drinking game may be considered to be any activity in which an individual’s consumption of alcohol, either in whole or in part, is determined by chance, skill, or some other external variable that accelerates alcohol consumption. Prohibited conduct includes but is not limited to dizzy bats, beer pong, keg stands, and funneling.*

Administration of Severe Incidents: When an individual provides alcohol to another where a level of significant alcohol intoxication occurs, the matter will be heard by the Student Conduct Committee.

See the table Minimum Sanctions for Alcohol and Drug Violations on pages 7-8 for additional information regarding sanctioning.

**Section Two — DRUGS**

**Philosophy and Rationale:** The use and possession of marijuana and/or other drugs may have disrupting consequences that interfere with the educational mission and general welfare of the College community. Because of the potential danger of these substances, the College prohibits use, possession, distribution, or sale of illegal drugs (including marijuana), un-prescribed drugs, or of any medication or substance used for purposes other than the manufacturer’s intended use. When the College is notified of student misconduct in regard to drug use or sale off campus, it may also choose to hold the student accountable through the campus disciplinary process.

**Definitions:**
- The term “drugs” when used in the above section includes any of the controlled substances defined in Section 220.00 of the NYS Penal Law.
- The term “marijuana” when used in the above section is as defined in Article 221, Section 221.00-221.30 of the NYS Penal Law.

**2.0 Drug Possession:** The illegal use or possession of drugs or un-prescribed drugs constitutes an illegal act and will be subject to disciplinary action independent of other action taken by civil authorities.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*
Information: The following list itemizes types of drug possession violations of College policy, local, state, or federal laws:

- All persons present in an area or vehicle where they know un-prescribed drugs are being used or illegally possessed will be subject to disciplinary action, and possible criminal action.
- Hosts (residents of the room/suite or owner/operator of a vehicle) present where un-prescribed drugs are being used or illegally possessed are also responsible for this illegal behavior occurring in their residence.
- Use/possession of or being in the presence of un-prescribed drugs on or off campus is prohibited.
- Drug paraphernalia (e.g., bongs, pipes, hookahs, other smoking devices) is not permitted on campus.
- Operating a motorized vehicle under the influence of a drug is prohibited.

See the table Minimum Sanctions for Alcohol and Drug Violations below for additional information regarding sanctioning.

2.2 Drug Sale: The manufacture, distribution, sale, offer for sale of any illegal drug or un-prescribed drug, or unauthorized use of prescription drugs is prohibited.

Range of Sanctions: Disciplinary Suspension to Disciplinary Expulsion

Information: Students who give drugs to others are considered to be involved in the distribution of drugs and as such, have been charged with drug sale and have also been charged criminally. Possession of scales in conjunction with drugs may be viewed as evidence of drug sale.

See the table Minimum Sanctions for Alcohol and Drug Violations below for additional information regarding sanctioning.

Minimum Sanctions for Alcohol and Drug Violations

In compliance with the Drug Free Schools Act, the College has established minimum sanctions for first, second, and third offense. In order to maintain consistency, hearing bodies are not permitted to deter from these minimum sanctions. A hearing officer or panel can at any time impose special conditions such as an alcohol or substance abuse assessment if there is evidence (through what was written in the incident report, or through the conversation that occurs during the hearing) that the student was in physical difficulty as a result of his/her alcohol use or drug misuse.

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<tr>
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continued on next page
**Section Three — DISORDERLY AND IRRESPONSIBLE CONDUCT**

**Philosophy and Rationale:** Acknowledging that both the College and the student body have a responsibility to provide an environment which enhances the quality of life in the community and is conducive to academic achievement, any behavior which jeopardizes the safety of others and the rights of persons and property or any conduct which is not consistent with this environment is prohibited. In all circumstances, common courtesy should be exercised. Restitution may be assessed in appropriate situations in addition to disciplinary action. The following behaviors directed toward others are strictly prohibited and may subject individuals to disciplinary action and possible civil or criminal prosecution.

### 3.1 a. Psychological and Physical Self-Harm:

Students are prohibited from physically harming themselves or engaging in self-threatening behaviors.

*Range of Sanction: Disciplinary Probation to Expulsion*

*Information:* Students may be subject to disciplinary charges if they engage in behavior that is harmful to themselves or self-threatening. When these allegations occur, an administrative hearing will occur with the associate dean of judicial affairs (or another vice president for student affairs’ designee). The administrative hearing officer may also elect to have the director of counseling services (or the director’s designee) present at the hearing and deliberations to provide mental health consultation to the hearing officer.

Participating or engaging in drinking games is a violation of this regulation. Please see section 1.3, Providing Alcohol to Minors, for a definition of “drinking games.”

### 3.1 b. Maintenance of Public Order:

Alleged violation of any criminal law (federal, state, or local) or local ordinance where the student’s conduct interferes with the College’s exercise of its educational objectives or responsibilities to its members whether on College premises or off campus or when such a violation of the law has or may have an adverse impact upon the College community is prohibited.

*Range of Sanction: Disciplinary Probation to Expulsion*

*Information:* Classroom misconduct – Students have also been charged with a violation of this regulation when their behavior in a classroom or academic activity disrupts or interferes with the ability for the instructor to maintain an academic environment that supports ongoing instruction and/or fosters learning.

Off-campus misconduct – Students may also be charged with a violation of this regulation for conduct off campus if their behavior (a) is considered disorderly or (b) poses a direct threat to themselves (e.g. self-threatening behaviors, suicidal behaviors) or another person and (c) is a felonious act or (d) is disruptive to another student’s educational pursuit (reference to Title IX). Students have a responsibility to conduct themselves as good citizens in our local communities.
Inappropriate behaviors such as public urination, public intoxication, and disruptive conduct to neighbors such as yelling or playing loud music are considered disorderly.

These types of misconduct can have a detrimental impact on the College community and can carry sanctions that include, in some instances, dismissal from the College.

*In addition, any individual or recognized group who charges an admission fee, sells a cup, or has any exchange of money at an event where alcohol is consumed is prohibited. If found responsible for an allegation of this nature the minimum sanction that may be imposed is Disciplinary/Organizational Suspension.

3.1 c. Disorderly Conduct (disruptive or destructive): Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace is prohibited. Such conduct includes but is not limited to disruption or obstruction of teaching, research, administration, or other College activities. Horse play is prohibited.

*Range of Sanctions: Statement of Concern to Disciplinary Suspension

Vandalism:

3.2 a. Destruction of Property: Inciting to action, participation, and intentionally or recklessly, but not accidentally, damaging, destroying, defacing, or tampering with College property (and grounds) or the property of any person or business is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

3.2 b. Tampering with or damaging telephones, computer equipment, software, cable, vending machines, laundry facilities, (or removal of) posters, advertisements, or signs on campus is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

Misrepresentation & Fraud:

3.4 a. No student shall speak in the name of the College or for any of its organizations unless such student has been authorized by the College or by the organization for which he/she is speaking.

*Range of Sanctions: Statement of Concern to Disciplinary Suspension

3.4 b. Furnishing false information to the College including but not limited to forgery, alteration, or misuse of, among other things, College documents or records.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

Failure to Comply:

3.5 a. Failure to Comply with Disciplinary Decisions or Administrative Actions (i.e. No Contacts): Failure to comply with any disciplinary special condition/sanction imposed by any judicial body or administrative hearing officer is not permitted. Students can also be charged with a violation of this regulation if they do not comply with a “no contact” order imposed by an administrative officer of the College.

*Range of Sanctions: Progressively Increasing Sanctions

3.5 b. Compliance with Official Requests: Failure to comply with a legitimate, reasonable, and lawful request or direction by members of the faculty and administrative staff, other employees of the College, or officially recognized volunteers acting in accordance with their official College duties is not allowed.

*Range of sanctions: Disciplinary Warning to Disciplinary Suspension
Information: For example, past penalties have included suspension for failure to comply with a sanction of disciplinary probation. This includes special conditions such as revocation of visitation privileges, community restitution, attendance at alcohol education programs, and educational assignments. Failure to appropriately respond to requests or comply with directives issued by authorized College representatives in performance of their duties and responsibilities will be subject to disciplinary actions. Authorized College representatives can include University Police, resident assistants, office managers, house managers, facility managers, club advisers, lab proctors, staff and administrative office personnel.

3.5 c. Judicial System Disruption: Any act(s) by a person(s) that inhibits or disrupts the College judicial process including but not limited to: a) falsification or misrepresentation of information before a hearing panel or any judicial officer/administrator; b) disruption or interference with the orderly conduct of a judicial proceeding; c) knowingly initiating a judicial proceeding without cause; or d) attempting to discourage an individual's proper participation in, or use of, the judicial system.

Range of Sanctions: Disciplinary Probation to Expulsion

Residence Halls' Quiet Hours:
3.6 Failure to comply with residence hall quiet hours, courtesy hours, and morgue hours will be subject to disciplinary action. Disturbances occurring outside of the residence halls that negatively impact the living/learning environment will result in disciplinary action.

Range of Sanctions: Statement of Concern to Disciplinary Probation

Information: See the Residential Life License for Residence for definition of the terms quiet, courtesy, and morgue hours.

3.6 a. Noise Disturbance: Disturbing the peace or creating a noise disturbance that includes but is not limited to quarreling, shouting in or outside of residential facilities is prohibited.

Range of Sanctions: Statement of Concern to Suspension

Information: Each of the residence halls set community standards for maintaining a healthy balance between the pursuit of academic success and the importance of socialization and learning in a residence hall environment. Penalties for violation of these regulations include sanctions of disciplinary probation and, in aggravated cases, students have been denied campus residency and visitation and have been relocated.

Fire Code Capacities:
3.7 The number of people at any particular time in any residential hall area may not be in excess of the published or posted fire code capacities. The fire code capacity is nine (9) individuals per room/suite/lounge.

Range of Sanctions: Statement of Concern to Disciplinary Probation

Residence Hall Safety:
3.8 a. The removal or opening of any residence hall screen is prohibited.

Range of Sanctions: Statement of Concern to Disciplinary Probation

3.8 b. The throwing of objects from any window or being on any campus building roof is prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

3.8 c. Dart boards (other than magnetic) are not allowed in the residence halls.

Range of Sanctions: Statement of Concern to Disciplinary Probation
3.8 d. Activities such as, but not limited to, the use of skateboards, rollerblades, hockey equipment, and bicycles in the residence halls are prohibited. In addition, playing sports inside the residence halls is not allowed. Such activities include but are not limited to football, bowling, golf, and basketball.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

3.8 e. Leaning, sitting, or standing out on a window ledge is prohibited.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

3.8 f. Black light bulbs are not permitted in any state-owned light fixtures. Modification to any state-owned fixtures is prohibited.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

3.8 g. Entering a residence hall during a period of limited access without showing proper identification is prohibited.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

**Information:** Residence halls also operate front desks after 10 p.m., during special event weekends, and other designated periods where residents and guests must show proper identification to front-desk staff and other College officials.

**Identification:**

3.9 a. Not providing College or other proper identification upon request by an authorized College official is prohibited.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

3.9 b. Unauthorized use of PIN or PBN is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

**Room Responsibility:**

3.10 Rooms may not be used by any person(s) without a resident of the room present. Each resident is responsible for any and all activity which occurs in his/her own room.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

**Pets:**

3.11 Fish, except piranha, are the only pets allowed in the residence halls. No resident shall have or harbor unauthorized pets or other wild or domestic animals in the residence halls. Fish tanks are limited to 20 gallons per room. Pets are not permitted in any other College facility (unless otherwise designated by College officials).

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

**Smoking**

3.12 Smoking is prohibited in all public buildings including residence halls.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

**Trespassing/Unauthorized Access**

3.13 Forcible or unauthorized entry into any building, structure, or facility or unauthorized use of College grounds is prohibited.

*Range of Sanctions: Statement of Concern to Expulsion*
Regulation Regarding Membership Into Expelled Organizations

3.14 Prohibited Affiliation with Expelled Student Organizations: Students are prohibited from pledging, joining, or accepting membership with a fraternity, sorority, or student organization which has been expelled.

*Range of Sanction: Suspension to Expulsion

Information: Given the College’s concern regarding the physical and/or mental health risk expelled student organizations pose to individual students, individual students who join expelled student organizations can be charged with violation of this regulation and receive a sanction that dismisses them from the College. A list of expelled organizations can be found at http://www.alfredstate.edu/life-on-campus/clubs-and-organizations#Fraternities-and-sororities. If you are unsure if a student organization is expelled or not, please contact the Office of Student Activities (4076), the Office of Student Life (4371), or the Office of Student Affairs (3911) to determine the status of any group with which you may wish to affiliate.

The wearing of Greek letters of an expelled organization may be viewed as evidence of affiliation.

* In those instances where the student presents to the appellate officer mitigating circumstances regarding the severity of the sanction imposed, the appellate officer may choose to impose a lesser sanction.

Section Four — DEMONSTRATIONS AND PUBLIC GATHERINGS

Philosophy and Rationale: If the College is to succeed in its pursuit of truth and dissemination of knowledge in an atmosphere where freedom of inquiry flourishes, the College must provide an institutional framework that encourages debate and freedom of intellectual endeavor without fear of consequences. The administration, faculty, and students of the College have the right of dissent and demonstration provided that they do not violate the freedom of speech, choice, assembly, or movement of other individuals or groups.

A demonstration is a public assemblage of a person or persons exhibiting sympathy with or opposition to some political, economic, or social condition or movement. The intent of the demonstrator(s) is to persuade opinion by focusing public attention on a problem by publicizing the beliefs of those participating in the demonstration. Demonstrations are to be confined to public areas of campus facilities and may be limited by time, place, and manner as to not disrupt classes, the residential environment, or the overall educational mission of the College. Students who wish to conduct demonstrations need to notify University Police.

4.1 a. Prohibiting access and/or egress from buildings and campus paths, streets, and roads will not be permitted.

Range of Sanctions:  Statement of Concern to Disciplinary Suspension

4.1 b. Demonstrations must allow privacy for student job seekers who wish to discuss their personal career plans with an interviewer.

Range of Sanctions: Disciplinary Warning to Disciplinary Probation

4.1 c. Disruption/Obstruction: Obstructing or interfering with College functions or any College-related activity is not permitted.

Range of Sanctions: Statement of Concern to Disciplinary Suspension

4.1 d. Civil Disturbance: Any conduct (to include but not limited to inciting riotous behavior) which involves disturbing the peace or interfering with the educational mission of the College and/or the Village of Alfred community during or in conjunction with a civil disturbance is not permitted.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion
4.1 e. **Littering:** Littering constitutes the throwing, dumping, or depositing of trash or refuse of any kind. This destroys the campus environment as well as detracts from its appearance. Violators will be subject to campus disciplinary action and/or civil action.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

**Section Five — SEXUAL MISCONDUCT**

**Philosophy and Rationale:** Alfred State College expressly prohibits the sexually aggressive behavior noted below, and students found engaging in it will be subject to criminal charges and prosecution under local and state laws. There are three types of charges of sexual misconduct: nonconsensual sexual intercourse, nonconsensual sexual contact, and sexual exploitation.

Sexual misconduct violations that result in serious physical or psychological injury shall be considered offenses of sufficient gravity to warrant immediate suspension of a student prior to a hearing as outlined in the section titled “Interim Suspension” of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regard to disorderly/disruptive conduct or acts of violence (assault, sexual misconduct, bias-related crime) off campus, it may also choose to hold the student accountable through the campus disciplinary process.

What if the victim’s complaint is against a member of the faculty, staff, or administration? The victim can report a complaint to the Office of Human Resources [(607) 587-4025] and/or University Police [(607) 587-3999]. These types of complaints are not heard in the student disciplinary system.

The following regulations describe violations of sexual misconduct:

5.1 a. **Nonconsensual Sexual Intercourse:** Engaging in *sexual intercourse* (anal, oral, or vaginal) with any individual with any object, however slight, by an individual upon an individual without *effective consent* is prohibited.

*Range of Sanctions: Disciplinary Suspension Disciplinary Expulsion*

*Intercourse* is not synonymous with penetration. If it were, nonconsensual French kissing could meet the definition of oral rape. Intercourse is more limited and includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact). *Effective consent* is informed, freely and actively given, with *mutually understandable words or actions* that indicate a willingness to participate in mutually agreed upon sexual activity.

Consent that is obtained through the use of fraud or force, whether that force is physical force, threats, intimidation, or coercion, is ineffective consent.

**Information:** Forced sexual intercourse is not limited to strangers and can include people you know. Regardless of familiarity, failure to receive effective consent and to engage in sexual intercourse, can lead to a charge of nonconsensual sexual intercourse.

The College prohibits nonconsensual sexual intercourse and nonconsensual sexual contact. Students found engaging in nonconsensual sexual acts will be subject to severe disciplinary action if found to have participated in these behaviors. Whether you know another person well or not at all, failing to get effective consent to engage in sexual acts can result in charges against you.

Violators may also be subject to criminal charges and prosecution under local, state, and
federal laws. Violators may also be subject to civil action. In general, most complaints involving non-consensual sexual intercourse also include a charge of nonconsensual sexual contact.

5.1 b. **Nonconsensual Sexual Contact:** Engaging in sexual contact (touching or disrobing or exposure) with any individual with any object, however slight, and by an individual upon an individual without effective consent is prohibited.

*Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion*

**Sexual contact** is defined as any contact with the breasts, buttocks, groin, mouth, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts or disrobing or exposure of genitalia. **Effective consent** is informed, freely and actively given, with mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

Consent is *mutually understandable* when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same thing in the same way at the same time with each other.

Consent that is obtained through the use of fraud or force, whether perceived or overt, and whether that force be physical force, threats, intimidation, or coercion, is ineffective consent.

**Information:** Violators may also be subject to criminal charges and prosecution under local and state laws and civil action under federal law. In general, most complaints involving nonconsensual sexual intercourse also include a charge of nonconsensual sexual contact and in many instances, a charge of sexual harassment.

5.1 c. **Sexual Exploitation:** Engaging in any behavior where a student takes nonconsensual, unjust, or abusive sexual advantage of another for his/her own benefit or the benefit of any other than the person being exploited; and that behavior does not otherwise constitute nonconsensual sexual intercourse, or nonconsensual sexual contact is prohibited.

*Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion*

**Information:** Sexual exploitation includes prostituting another student, nonconsensual video, photographic, or audio taping of sexual activity, or nonconsensual distribution after initial consent was given, going beyond the boundaries of consent (such as letting friends surreptitiously watch you have consensual sex), engaging in “peeping tommery,” knowingly transmitting an STD or HIV to another student, and inducing incapacitation with the intent to rape or sexually assault another student.

Any attempt to commit an act of sexual misconduct is also prohibited under this policy, as is aiding the commission of sexual misconduct as an accomplice. Students involved in these inappropriate behaviors can also be charged with a violation of sexual misconduct and be subject to disciplinary charges.

Minors, mentally disabled persons, or physically incapacitated persons may never give legal consent.

- **Minors** are those individuals under 17 years of age who legally cannot give someone over the legal age consent to engage in sexual activity (absent of a legally valid marriage or court order). Individuals who engage in sexual activity with minors can be criminally charged with statutory rape. Students under the age of 17 cannot legally give consent to engage in sexual activity.

- **Mentally disabled persons** are individuals who are mentally incapacitated or...
developmentally delayed. They cannot give consent if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves. The mental disability of the party must be known or reasonably knowable to the non-disabled sexual partner in order to hold them responsible for the violation.

- **Physically incapacitated persons** are individuals who are physically incapacitated as a result of the consumption (voluntary or involuntary) of alcohol or other drug, or who are unconscious, unaware, or otherwise physically helpless, are incapable of giving consent. One may not engage in sexual activity with another who one knows or should reasonably have known is physically incapacitated. Physically incapacitated persons may not give consent when they lack the capacity to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of the situation. It is important to note that when one is “physically incapacitated” that is different from what some individuals might describe as “having a few drinks” and then engaging in “regrettable sex.” Regrettable sex is unfortunate but in itself does not constitute being physically incapacitated.

Silence, previous relationships, and/or current relationship with the complainant (or anyone else) may not in themselves be taken to imply consent.

**Section Six — RESIDENCE HALL ACCESS AND ROOM VISITATION**

**Philosophy and Rationale:** The following section outlines the room visitation policy for Alfred State College. A copy of this policy and any subsequent visitation rules and regulations must be given to each resident upon his/her registration in that residence hall. Its purpose is to formulate and communicate the minimum requirements for safeguarding the rights of the individuals and for providing security for the residence hall and its residents.

It will be the responsibility of each student to make every reasonable effort to resolve visitation conflicts. If an individual problem cannot be settled with the assistance of the student staff, the student staff member will approach the residence hall director and request his/her advisement. The residence hall director will suggest possible courses of action to settle the dispute.

The use of residence hall facilities is limited to residents and their visitors and/or overnight guests complying with regulations established by the Student Conduct Code and by each residence hall. Any unaccompanied non-resident may be deemed a trespasser and may be subject to immediate removal from the residence hall.

The residence hall director, with the approval of the department head, shall have the authority to revoke visitation privileges for a residence hall, a floor, or an individual. The following will constitute grounds for loss of privileges: continued inability or unwillingness to accept the responsibilities of visitation in a mature, considerate manner; any unaccountable physical damage within the residence hall; and any unregistered overnight guest/visitor whose presence is known by one or more residents. If necessary, guests whose privileges have been revoked may be escorted from a residence hall by University Police.

The residence hall environment is a living/learning community which respects all students’ rights to personal privacy, free access to living accommodations, an atmosphere conducive to study, and the personal safety and protection of personal property.

It will be the responsibility of each student to make every reasonable effort to resolve conflicts involving questions of equal yet opposing rights and cases pertaining to infringement of personal rights, such as:

6.1 a. **Responsibilities of Hosts:** It is the responsibility of student hosts to abide by all rules and regulations set forth in the Student Code of Conduct and Residential Life policies, and ensure that their guests also adhere to College policy.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*
**Information:** The following list itemizes the specific responsibilities and liabilities of student hosts:

- **A visitor** is any person who is not a resident and does not remain overnight. When present in a residence hall between 10 p.m. and 1 a.m. Sunday – Thursday or 10 p.m. and 3 a.m. Friday and Saturday, all visitors must register with the student staff and obtain a visitor’s pass. Failure of the visitor to leave the residence hall and to return the visitor’s pass will result in disciplinary sanctions.
- **An overnight guest** is any person who is not a resident of the residence hall and remains after 1 a.m. (Sunday – Thursday) or 3 a.m. (Friday and Saturday). He/she is given an overnight guest identification form which must be completed and carried at all times and presented upon request by University Police, residence hall director, or student staff.
- If a student (host) has a visitor/overnight guest in the building after 10 p.m., it is the responsibility of the host to ensure that the visitor/overnight guest registers with residence hall staff.
- No more than two overnight guests or visitors per resident at one time are allowed.
- A visitor or guest, registered with a student, is limited to three overnight visits within a 10-day period. Residence Life professional staff may grant extensions.
- Infringement of a roommate’s personal rights and property is not permitted.
- Overnight guests are not permitted during morgue hours without prior approval of the residence hall director.
- All non-residents must be escorted by a resident host. Study groups after 10 p.m. are possible in assigned areas with prior permission of the residence hall director.
- Separate lavatory facilities must be used as designated for men and women. Violators may be subject to immediate removal.
- The host must make certain that the visitor/overnight guest knows and adheres to College and residence hall rules and regulations. The host will be responsible for the action of the visitor/overnight guest including any financial responsibility for damage done by the visitor/overnight guest.
- Rooms may not be used by any person(s) without a resident of the room present. Each resident is responsible for any and all activity which occurs in his/her own room.
- If a student allows a non-resident access to a residence hall, the student host is responsible for the guest’s behavior and/or the cost of any damage done.
- If a student is a visitor or guest in another residence hall, it is the responsibility of both the student and host to see that the student is registered. If the person enters the building before 10 p.m., he/she must sign in at 10 p.m. with the student staff. Failure to register a visitor is grounds for disciplinary action against both the host and the guest(s).
- Gaining or permitting access to a residence hall through a door other than the one designated as the main entry will result in disciplinary action.
- Visitors under the age of 17 must be signed in with a family member and have one-day prior written parent/guardian permission. Minor visitors, as in all guests, must be supervised at all times by their student host.

6.1 b. **Responsibilities of Visitors/Guests:** It is the responsibility of both students and non-students to adhere to all rules and regulations set forth in the Student Code of Conduct and Residential Life policies when visiting Alfred State College students on College premises.

**Range of Sanctions:** Statement of Concern to Disciplinary Probation

**Information:** The following list itemizes the specific responsibilities and liabilities of visitors/guests:

- A **visitor** is any person who is not a resident and does not remain overnight. When present in a residence hall between 10 p.m. and 1 a.m. Sunday – Thursday or 10 p.m. and 3 a.m. Friday and Saturday, all visitors must register with the student staff and obtain a visitor’s pass. Failure of the visitor to leave the residence hall and to return the visitor’s pass will result in disciplinary sanctions.
An overnight guest is any person who is not a resident of the residence hall and remains after 1 a.m. (Sunday – Thursday) or 3 a.m. (Friday and Saturday). He/she is given an overnight guest identification form which must be completed and carried at all times and presented upon request by University Police, residence hall director, or student staff.

A visitor or guest, registered with a student, is limited to three overnight visits within a 10-day period. Residence Life professional staff may grant extensions.

Overnight guests are not permitted during morgue hours without prior approval of the residence hall director.

All non-residents must be escorted by a resident host. Study groups after 10 p.m. are possible in assigned areas with prior permission of the residence hall director.

Separate lavatory facilities must be used as designated for men and women. Violators may be subject to immediate removal.

The host must make certain that the visitor/overnight guest knows and adheres to College and residence hall rules and regulations. The host will be responsible for the action of the visitor/overnight guest including any financial responsibility for damage done by the visitor/overnight guest.

Rooms may not be used by any person(s) without a resident of the room present. Each resident is responsible for any and all activity which occurs in his/her own room.

If a student is a visitor or guest in another residence hall, it is the responsibility of both the student and host to see that the student is registered. If the person enters the building before 10 p.m., he/she must sign in at 10 p.m. with the student staff. Failure to register a visitor is grounds for disciplinary action against both the host and the guest(s).

Gaining or permitting access to a residence hall through a door other than the one designated as the main entry will result in disciplinary action.

Visitors under the age of 17 must be signed in with a family member and have one-day prior written parent/guardian permission. Minor visitors, as in all guests, must be supervised at all times by their student host.

Alfred State College students found to be in violation of guest policy or other violation of the Student Code of Conduct while visiting another residence hall may be banned from the residence hall where the infraction occurred.

Non-Alfred State College students visiting the campus and believed to be involved in a violation of this policy or the Student Code of Conduct may be immediately banned from the campus.

Section Seven – FIRE AND SAFETY EQUIPMENT

Philosophy and Rationale: The College considers tampering with fire and safety equipment a dangerous act. A student who actively and maliciously engages in tampering, deactivating, or damaging fire safety equipment, or interferes with emergency operations is endangering his/her life and the lives of others. Violators will be subject to disciplinary action up to and including disciplinary suspension, as well as possible criminal prosecution.

7.1 a. Candles: Burning of candles and incense is not permitted in the residence halls.

Range of Sanctions: Statement of Concern to Disciplinary Probation

7.1 b. Tampering with fire equipment: Tampering with fire alarms, emergency blue lights, extinguishers, pull stations, smoke/heat sensors, and any other safety devices is prohibited.

Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion

7.1 c. Any item hung from doorways and/or windows that impedes an individual’s (e.g., emergency personnel) exit is prohibited. In addition not more than 10% of any door surface or wall space may be covered by posters, decorations, or any other items.

Range of Sanctions: Statement of Concern to Disciplinary Probation
7.1 d. Interfering with emergency operations, such as police, fire, or ambulance personnel in the course of their official duties is prohibited

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

*Information:* Violation of this regulation is also a violation of the NYS Penal Law and may be criminally charged.

7.1 e. Electrical appliances are prohibited in residence halls (e.g., toaster ovens, microwave ovens, extension cords of any type, any cooking equipment {with exception of hot pots, coffee makers, and hot air popcorn poppers}, hot plates, or anything with an open or exposed heating element, amplifiers, or an excessive number of speakers, and air conditioners).

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

*Information:* Cooking is permitted in the Townhouse Complex with exception of the use of any appliance with any open or exposed heating element.

7.1 f. Failure to comply with College requirements regarding evacuation of buildings during an alarm or fire drill is prohibited.

*Range of Sanctions: Statement of Concern to Disciplinary Probation (denial of campus residency may be an appropriate special condition depending on the circumstances involved)*

7.1 g. The propping of any fire or exterior door (with any object including a fire extinguisher) is prohibited.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

7.2 Alcohol/drug promotional/decorative items (e.g., beer signs, lamp shades, etc.) are not permitted in residence hall windows, displayed on the outside of room doors, or in public lounges. Individuals and/or organizations, teams, or clubs are not allowed to use images of alcohol (e.g., flyers, posters, and/or by electronic means) to promote events or their organizations. Favors to commemorate specific campus events for students under the age of 21 may not include beer mugs, wine glasses, brandy glasses, flasks, shot glasses, or other alcohol-related paraphernalia to promote events or their organizations.

*Range of Sanctions: Statement of Concern to Disciplinary Probation*

**Section Eight – FIREARMS, AMMUNITION, KNIVES, AND DANGEROUS WEAPONS**

Violations that result in serious physical injury, or physical injury resulting from the use of a deadly weapon or dangerous instrument, shall be considered offenses of sufficient gravity to warrant immediate suspension of a student prior to a hearing as outlined in the section titled “Interim Suspension” of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regard to disorderly/disruptive conduct or acts of violence (assault, sexual misconduct, bias-related crime) off campus, it may also choose to hold the student accountable through the campus disciplinary process.

8.1 a. Firearms, ammunition, knives, and dangerous weapons are not allowed at Alfred State College at any time unless given written permission by the College president. This regulation is in compliance with NYS Law, covered under Article 265 (see Section 256.01) of the Penal Law and regulations passed by the NYS Legislature. Firearms include, but are not limited to, any pistol, revolver, shotgun, or rifle. Knives and dangerous weapons include, but are not limited to, dart guns, electronic stun gun, gravity knife, switchblade knife, metal knuckle knife, cane sword, billy, blackjack, metal knuckles, chaka sticks, slingshots, “Kung Fu Stars,”
and archery bows. No more than two pocket knives, (not exceeding a three-inch blade), are permitted; however, these pocket knives may be confiscated by authorized college officials if deemed necessary.

Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion

8.1 b. The College also considers air guns, paintball guns, B-B guns, and sling shots to be dangerous, and they are prohibited. This article is inclusive of all instruments banned under Article 265 (see Section 256.06) and 265 of the NYS Penal Law. Offenders will be subject to campus disciplinary action and/or criminal prosecution and liable to civil prosecution. In compliance with this law, University Police will not accept requests to safe-keep or hold firearms, ammunition, knives, or dangerous weapons belonging to any individuals, offices, or agencies of this institution.

Range of Sanctions: Disciplinary Warning to Disciplinary Suspension

8.1 c. A person 17 years of age and younger or persons who have been convicted of a felony or any assault in/outside of New York State are not permitted to possess or use self-defense spray devices. Section 265.20 (14) of the NYS Penal Law defines a self-defense spray device as a pocket-sized spray device that contains and releases a chemical or organic substance that, when directed at another person, is intended to produce temporary physical discomfort or disability against another person.

Range of Sanctions: Disciplinary Probation to Disciplinary Suspension

Section Nine – EXPLOSIVES/FIREWORKS

Philosophy and Rationale: The College considers the use and/or possession of explosive devices and fireworks to be in violation of the Student Conduct Code.

9.1 a. Explosives or explosive devices containing an explosive or inflammable compound or any tablets or other devices commonly used and sold as fireworks, or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, are prohibited on campus (with exception of a College-sanctioned event) in accordance with NYS Penal Law Article 270. In addition, compressed gases and flammable liquids may not be stored in residence halls.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

Information: The College considers use or possession of fireworks as a dangerous act and violators will be subject to disciplinary action and/or criminal prosecution. This regulation may be conditionally waived for temporary periods by the College president for College-sanctioned public fireworks displays.

Administration of Severe Incidents: Individuals charged with this violation that have allegedly placed others in significant harm’s way (e.g., the use of explosives to cause harm to another) will have this matter heard by the Student Conduct Committee.

9.1. b. Arson: The deliberate setting of a fire on College property is a very serious offense. Such behavior that is prohibited under this regulation includes, but is not limited to, creating or causing a bonfire, lighting trash, and lighting materials on a bulletin board or a door. These actions will be treated as deliberate attempts to start a fire.

Range of Sanctions: Disciplinary Suspension to Disciplinary Expulsion
Section Ten – GAMBLING

10. In accordance with NYS Penal Law Article 225, gambling, which consists of a person staking or risking something of value upon the outcome of a contest, is prohibited on College property. Offenders will be liable for campus disciplinary action and/or civil action.

Range of Sanctions: Statement of Concern to Disciplinary Probation

Section Eleven – ASSAULT AND HARASSMENT (Physical, Bias-Related, Sexual)

Violations resulting from sexual assault, including acts of rape or sodomy, or assault resulting in serious physical injury, or physical injury resulting from the use of a deadly weapon or dangerous instrument, shall be considered offenses of sufficient gravity to warrant immediate suspension of a student prior to a hearing as outlined in the section titled “Interim Suspension” of the Administration of the Student Code of Conduct. When the College is notified of student misconduct in regards to disorderly/disruptive conduct or acts of violence (assault, sexual misconduct, bias-related crime) off campus, it may also choose to hold the student accountable through the campus disciplinary process.

11.1 Assault: Assault, physical abuse, causing physical injury or bodily harm, or other forms of physical contact which threaten or endanger the health, well-being, or safety of any person or which intentionally inflicts psychological or bodily harm upon any person (“any person” as used in this section may include one’s self) are prohibited.

Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion

Information: Many students found responsible for violating this regulation have been dismissed from the College and also have been subject to criminal prosecution and possible incarceration.

11.2 Physical/Verbal Harassment: Verbal abuse, threats, physical harassment, intimidation, stalking, coercion (whether written or oral) and/or physical conduct which threatens or endangers the health, well-being or safety of any person that intentionally inflicts psychological or bodily harm upon any person are prohibited.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

11.3 Bias-Related Harassment: Any violation of the Code of Conduct motivated by a consideration (real or perceived) of race, sex, color, religion, ancestry, national origin, age, disability, veteran status, or sexual orientation is prohibited.

Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion

Information: A disciplinary charge of bias-related behavior that results in a finding of responsibility may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation. Engaging in a course of conduct as described above may be a single incident or occur over a period of time.

11.4 Sexual Harassment: No person or group of individuals shall engage in any form of sexual harassment, which is behavior that is sexual in nature and creates an intimidating, hostile, or offensive environment. Such behavior includes, but is not limited to, obscene phone calls, obscene computer messages, public display of offensive materials, and/or courtship violence/intimidation.

Range of Sanctions: Disciplinary Probation to Disciplinary Expulsion

Information: Most often, as in the case of bias-related or sexual harassment, violations of this regulation represent behavior that objectifies a personal attribute,
singling it out for ridicule, attack, or disparagement. Attributes include, but are not limited to,

1. race or ethnic origin, gender, physical or mental disability, age, religion, economic class, and sexual orientation;
2. harassment may include physical contact such as touching or patting, written or oral comments or suggestions, or offensive pictures or “jokes,” hostile or threatening gestures, or other forms of degradation.

Violations of this regulation are serious offenses. Students who engage in harassing or threatening others can be suspended from the College. In addition, an act such as striking, hitting, biting, punching, or kicking another individual limits the College to either suspend or expel a student. A number of students have been found responsible for violating this regulation and have been dismissed from the College and have been subject to criminal prosecution and in some cases, incarceration. In many of these cases, students have unfortunately realized after the fact that small interpersonal conflicts (such as verbal disagreements) had escalated quickly into situations of severe physical contact and have regretted their lack of appropriate decision making in these incidents. It is incumbent upon all members of the College community to learn to develop those interpersonal skills which allow us to resolve conflicts without resorting to violence. The consequences for failing to do so are detrimental to all parties involved. Students who effectively resolve these conflicts do so through respecting all parties involved in their conversations. Some others may seek another student, a resident assistant, or a residence hall director to help mediate these conflicts toward an adequate resolution.

Every person is entitled to a work and learning environment free from the devastating effects of sexual harassment. Therefore, Alfred State College opposes sexual harassment of both employees and students. Such harassment of employees or of students, which implies a requirement of sexual cooperation as a condition of employment or academic advancement, will not be tolerated.

Section Twelve – THEFT & POSSESSION OF STOLEN PROPERTY

12.1 Taking and/or stealing property other than one’s own with intent to benefit oneself or a person other than the owner is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

12.2 Possession of property (considered here as stolen) other than one’s own with the intent to benefit oneself or a person other than the owner is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion*

12.3 Theft of services is prohibited.

*Range of Sanctions: Disciplinary Warning to Disciplinary Suspension*

*Information:* Past violations of this regulation have included possession of municipal road signs, traffic cones, construction lights, construction signs, street signs; theft of College equipment (including residence hall furniture or lounge and common area furniture on campus) or campus services (residential room use, cable, laundry, food, meals, vending machines, computer, software, telephone service); tampering with College equipment; possession or use of another person’s room key; and removal of College furniture and equipment without written authorization from the College; and any behavior that constitutes a violation of theft or possession of stolen property under federal or State laws.

Please note that some students have been charged with a violation of this regulation as a result of being in possession of stolen property and not having a traceable bill of sale of the item purchased. Students need to be careful when purchasing an item from a person not known to them, as they may be selling sto-
len property. If another person sells an item to you, you need to get their name, address, and phone number when you accept the purchase. Students charged with a violation of this regulation can also be charged criminally and be subject to court fines and possibly incarceration.

Section Thirteen – MOTOR VEHICLES AND MOTORCYCLES

Philosophy and Rationale: Motor vehicles and motorcycles operated and/or parked on the campus are subject to campus regulations as well as local, state, and federal laws. Rules affecting the operation and parking of vehicles are described in the “Parking Rules & Regulations” brochure. Students will be notified at least one week prior to changes in parking regulations unless special circumstances necessitate a more rapid change.

13.1 b. Snowmobiles, miniaturized motorcycles (including electric-powered), and all-terrain vehicles may not be operated on College-owned areas unless otherwise authorized by an appropriate College official.

Range of Sanctions: Statement of Concern to Disciplinary Probation

13.1 c. All motor vehicles, motorcycles, mopeds, or other fuel-powered engines – assembled or disassembled – may not be operated in the College residence halls/facilities unless otherwise authorized by an appropriate College official.

Range of Sanctions: Statement of Concern to Disciplinary Probation

Section Fourteen – THE CONDUCT OF ORGANIZATIONS

Philosophy and Rationale: Student organizations will be subject to disciplinary action for violating any section of the Student Code of Conduct. Organizations are responsible at their events for any conduct which is in violation of any local, state, or federal law. For any organization requiring pledging, all individuals who pledge must have a minimum cumulative grade point average (GPA) of 2.0 (out of a possible 4.0). For more information, contact the Office of Student Life.

Any organization engaging in the following conduct prohibited under the New York Code of Rules and Regulations 535.3 will be subject to disciplinary action. Restitution may be assessed in appropriate situations in addition to disciplinary action:

14.1 a. Willfully causing physical injury to any other person, or threatening to do so for the purpose of compelling or hindering action which he/she has a lawful right to do or which is unlawful;

Range of Sanctions: Organizational Suspension to Organizational Expulsion

14.1 b. Physically restraining or detaining any other person, or removing such person from any place where he/she is authorized to remain;

Range of Sanctions: Organizational Suspension to Organizational Expulsion

14.1 c. Willfully damaging or destroying property of the institution or under its jurisdiction, or removing or using such property without authorization;

Range of Sanctions: Organizational Probation to Organizational Expulsion

14.1 d. Entering or remaining in any private office of an administrative officer, faculty member, or staff member without expressed permission;

Range of Sanctions: Organizational Suspension to Organizational Expulsion
14.1 e. Entering and remaining in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized uses or in such manner as to obstruct its authorized use by others;

Range of Sanctions: Organizational Suspension to Organizational Expulsion

14.1 f. Without authorization, remaining in any building or facility after it is normally closed;

Range of Sanctions: Organizational Probation to Organizational Expulsion

14.1 g. Refusing to leave any building or facility after being required to do so by an authorized administrative officer;

Range of Sanctions: Organizational Probation to Organizational Expulsion

14.1 h.Obstructing the free movement of persons and vehicles in any place to which these rules apply;

Range of Sanctions: Organizational Suspension to Organizational Expulsion

14.1 i. Deliberately disrupting or preventing the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interfering with the freedom of any person to express his views, including invited speakers;

Range of Sanctions: Organizational Suspension to Organizational Expulsion

14.1 j. Knowingly having in his/her possession upon any premises to which these rules apply, any firearm or other weapon without the written authorization of the chief administrative officer, whether or not a license to possess the same has been issued to such person;

Range of Sanctions: Organizational Suspension to Organizational Expulsion

14.1 k. Willfully inciting others to commit any of the acts herein prohibited.

Range of Sanctions: Organizational Suspension to Organizational Expulsion

14.1 l. Taking any action, creating or participating in the creation of any situation which recklessly or intentionally endangers mental or physical health, or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

Range of Sanctions: Organizational Suspension to Organizational Expulsion

Section Fifteen – HAZING REGULATIONS

15. Hazing: Any organization, individual, or agency not acting in accordance with the Alfred State College Hazing Regulations and the NYS Penal Code will be subject to disciplinary action.

Range of Sanctions (Individuals): Disciplinary Probation to Disciplinary Expulsion
Range of Sanctions (Organizations): Disciplinary Suspension to Disciplinary Expulsion

Information: Organizations which operate upon the campus of Alfred State College or upon the property of Alfred State College used for educational purposes, or any recognized organizations operating off campus, shall be prohibited from: taking any action, creating or participating in the creation of any situation which recklessly or intentionally endangers the mental or physical health of any person, or which involves the forced consumption of alcoholic beverages or drugs by a person for the purpose of initiation into or affiliation with any organization.
Any organization which permits the prohibited conduct described shall be subject to the permanent rescission of permission to operate upon the campus or upon the property of the state-operated institution used for educational purposes; or, in the alternative, a period of suspension of said permission to operate; or probationary status with supervised conditions of operation. The penalty provided in the subdivision shall be in addition to any penalty which may be imposed pursuant to the Penal Law and any other provision of law, or to any penalty to which an individual may be subject pursuant to 8 NYCRR 535.

Section 6450 (1) of the Education Law requires that the provisions of 8 NYCRR 535, which prohibits reckless or intentional endangerment to health of forced consumption of alcoholic beverages or drugs for the purpose of initiation into or affiliation with any organization, shall be deemed to be part of the bylaws of all organizations which operate upon the campus of any state-operated institution used for educational purposes. The statute further requires that each such organization shall review these bylaws annually with individuals affiliated with the organization.

Alfred State College also enforces local, state, and federal law, specifically including, but not limited to, NYS Penal Law, NYS Education Law, and New York Code Rules and Regulations (NYCRR).

Under the Penal Law, a person can be found guilty of hazing in the first degree (a Class A misdemeanor) if the person is found to be “intentionally or recklessly engaging in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury” (Penal Law, 120.16). An offense designated as hazing in the second degree (a violation) incorporates a nearly identical definition except that no actual injury to any person need be proved (Penal Law, 120.17). A conviction of this offense can carry up to 15 days in jail, a monetary fine, and community service obligations.

Whenever the chief administrative officer has determined on the basis of a complaint or personal knowledge that there are reasonable grounds to believe that a violation(s) exists of these provisions by any organization which shall state the provision proscribing the conduct and shall specify the facts alleged to constitute such violation.

Such written charges shall be served upon the principal student officer of the organization by the College. Upon written request by an authorized representative of the organization, the associate dean for judicial affairs, as the vice president for student affairs’ designee, shall provide the representative of the organization an opportunity for a hearing. The Student Conduct Committee shall hear or receive any testimony or evidence which is relevant and material to the issues presented by the charge which will contribute to a full and fair consideration thereof and determination thereon. In cases of alleged violations of recognized Greek organizations, the case shall be heard before the Greek Judicial Board. The organization’s representative may confront and examine witnesses against it and may produce witnesses and documentary evidence on its behalf. The Student Conduct Committee (or where appropriate, the Greek Judicial Board) shall submit written findings of fact and recommendations for disposition of the charge to the associate dean for judicial affairs. Notice of the decision shall be in writing, shall include the reasons supporting such decision, and shall be served on the principal officer of the organization by mail in the manner described in the above paragraph within a reasonable time after such decision is made.

Section 16 – COMPUTER MISUSE AND FRAUD

16. **Computer misuse and fraud:** Computer misuse and fraud are prohibited under the College’s Acceptable Usage Guidelines and includes the following: obtaining access to College computers, software, or terminals without proper authorization from the College; obtaining from or giving a password to another person; or deleting, damaging, altering, or causing destruction to College computer equipment, software, or data without proper authorization from the College. Making unautho-
ized copies or downloading/uploading copyrighted materials (e.g. software, music, and movies) is not permitted.

Range of Sanctions: Disciplinary Warning to Disciplinary Expulsion

Information: College computing accounts are for educational purposes only. Hacking is illegal and prohibited under this policy. “Spamming” and any form of mass e-mailing are considered harassing and a violation of this policy. Using unauthorized scripts that result in “crashing” or damaging a College computer or College community member’s computer is a violation of this policy. Downloading or uploading copyright-protected materials without authorization of the copyright owner is a violation of federal law and this policy. For more information, refer to the Alfred State College Acceptable Usage Guidelines (https://sysreg1.alfredstate.edu/index.php) or contact the Help Desk (607-587-4357).

Past violators have been subject to revocation of computer privileges, disciplinary sanctioning, and prosecution under state and/or federal law, civil fines, possible arrest, and/or incarceration.

THE ADMINISTRATION OF THE CODE

Sanctions and Special Conditions

A. Range of Sanctions and Special Conditions for Students Accused of Violating College Regulations

An important objective of the College Judicial System is that of education of all participants through the judicial process. Sanctions and special conditions such as suspension, probation, and community restitution are not regarded as punishments or controls but rather as educational devices to assist the student in attaining the maturity required to live in society. Suspension may be one way of telling the student that s/he is not yet ready for the living environment and/or education the College offers. This awareness itself may be a significant step in educating the student in question.

These conditions will vary with each case and may result in restriction from participating in intercollegiate athletics, co-curricular and residential life activities, or involve requirements not academically restrictive in nature and which are intended to be educational in nature. A student may be required to participate in a mentoring and/or counseling relationship as designated by the appropriate hearing body.

The imposition of sanctions and special conditions is based upon the severity of the behavior exhibited by the student and subsequent review of any past disciplinary actions and their outcomes with the student. Repeated offenses are clearly looked upon less favorably by hearing bodies and can lead to more severe sanctions including suspension or expulsion from the College. It is incumbent upon students to learn how to make decisions that will increase their compliance with the College’s community standards and reduce the likelihood of a repeat offense.

Repeat Offenses: Students who are found responsible for a code violation and receive a sanction must make every effort to insure they do not have a repeat offense. It is the College policy that a student currently on a sanction cannot receive a lesser sanction for a second offense and that the minimum for a second offense is an extension of the current sanction. This extension can only be extended to the student once while on a sanction. If the student has a third offense while on an extended sanction, the next highest sanction is the minimum sanction that can be imposed by the hearing officer/panel.

B. Types of Sanctions

All disciplinary status levels listed below are subject to special conditions (specific restrictions and/or extra requirements) as deemed appropriate by the hearing body.
1. **Statement of Concern:** A Statement of Concern may be issued for a first-time low-level offense depending on the circumstances involved in the alleged incident. Such action is an official notification to the student that his or her behavior is unacceptable and future violations will result in more serious disciplinary action. A student may not be issued a Statement of Concern more than once in their College career at Alfred State College.

2. **Disciplinary Warning:** A Disciplinary Warning is an official notification to the student that his or her behavior has been unacceptable. Any additional misconduct may result in further disciplinary action. Disciplinary Warning is for a specific period of time not to exceed one calendar year during which further violations of College regulations will result in more serious sanctions.

3. **Disciplinary Probation:** Probation indicates to a student that his or her behavior has resulted in a sanction close to disciplinary suspension. It is imposed for a definitive period of time. Disciplinary Probation may be imposed up to a maximum period of 18 months per each offense. Any further misconduct on the student’s part when on probation may result in his or her suspension from the College.

4. **Disciplinary Suspension**: Suspension prohibits the student from attending Alfred State College and from being present without permission from the vice president of student affairs (or designee) on College property for the duration of the sanction, which shall not exceed the current semester and up to one full academic year following its effective date. Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for criminal trespass (section 140.10 and 140.15 of the NYS Penal Law). If required by the sanction, students who have been suspended must petition for re-enrollment through the vice president for student affairs or designee. Additional conditions for readmission may be specified. Suspension will be noted on the student’s permanent education record.

5. **Interim Suspension:** A student may temporarily be denied access to College activities, facilities, and/or classes or other privileges pending review/hearing. In addition, students may not complete course work (i.e. exams) while on an interim suspension status. Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for criminal trespass as defined in NYS Penal Law Article 140.

6. **Disciplinary Expulsion**: Expulsion prohibits the student from attending Alfred State College and from being present without permission from the vice president of student affairs (or designee) on the property of the College. Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for trespassing. Expulsion will be noted on the student’s permanent education record.

C. **Special Conditions**

It is the student’s responsibility to provide the hearing officer with documentation that he/she has complied with the special condition. Examples include copies of an apology letter, a note signed by the supervisor that a community service project has been completed, and a written release from a counselor that an alcohol assessment has been completed.

1. **Administrative Relocation:** Requirement to relocate to another room within the residence hall system on a space-available basis.

2. **Community Restitution:** The philosophy of community restitution is based on the premise that if you are found in violation of Community Standards, you have taken something away from the Alfred State College community. Therefore, it is the College’s expectation that students assume responsibility for their behavior and restore something back to the on- or off-campus commu-
nity. Community restitution may take the form of a service project or financial responsibility which provides the student with the opportunity to reflect upon his/her decision making, the consequences involved with those decisions, as well as the ability to contribute to the community in a positive way. Many of these activities are coordinated through the Office of Judicial Affairs.

3. **Counseling Assessment**: A student may be required to complete a comprehensive substance abuse assessment and/or treatment program and/or a psychological/psychiatric assessment.

4. **Educational Project**: Completion of a project specifically designed to help the student understand why the Community Standards violation was inappropriate. This may take the form of mandatory participation in an alcohol education program.

5. **Housing Prohibition**: Permanent separation of the student from the residence halls. A person denied campus residency is prohibited from entering any residence hall. Any person violating this provision can be subject to arrest, possible fine, and/or incarceration for trespassing.

6. **Loss of Privileges**: Denial of specified privileges for a defined period of time (e.g., guests, computer, housing selection, residence hall visitation, operating a motor vehicle on campus, possessing/using sound amplifying equipment in residence, serving as an officer of any recognized student organization {which include varsity sports, intramurals, musical groups, theatrical groups}, dining services, representing the College, co-curricular activities, work study, participating in graduation ceremonies, etc.).

7. **No Contact**: A no contact is a condition imposed in instances where it is determined that a student poses a potential threat to another. This condition, specific to a person and/or location, would prohibit the subject of the condition from having any further direct or indirect contact; including e-mail, mail, telephone, etc. with the offended individual. In addition, such a condition prohibits contact by third-parties on their behalf. A no contact condition may be imposed summarily (i.e., prior to a hearing or as a result of a hearing). Violation of a no contact condition could result in more serious disciplinary action.

8. **Parental/Guardian/Administrative Notification**: The proper College authorities shall be notified of any sanction. In addition, when students are found responsible for the use, possession, and/or distribution of alcohol and/or illegal substances, the College reserves the right to notify student’s parents/guardians.

9. **Restitution**: Compensation for loss, damage, or injury. This may take the form of monetary (financial restitution) and/or material replacement.

10. **Residency Probation**: Official reprimand/notice to the student that his/her housing status is in jeopardy for a defined period of time. Future violations of Community Standards may subject the student to Revocation of Housing Contract or Housing Prohibition.

11. **Revocation of Housing Contract**: Revocation of housing contract is for a defined period of time, after which the student is eligible to return. A person denied campus residency is prohibited from entering any residence hall. Any person violating this provision will be subject to arrest, possible fine, and/or incarceration for trespassing. Additional conditions for readmission may be specified.

12. **Delayed Suspension**: A special condition for a student on disciplinary probation that informs the student that another violation of the student code of conduct regardless of the severity of the violation will result in a minimum sanction of Suspension.
*Suspension:* A decision of suspension terminates the person’s status as an enrolled student and prohibits the student from attending classes. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice that the penalty of suspension has been rendered. Reinstatement and conditions for reinstatement, if any, shall depend upon an evaluation by the vice president for student affairs or designee following application for reinstatement by the student. Students who are suspended from the College will not receive any credit for the classes enrolled in at the time of the infraction and residential students are also responsible for full payment of all fees (room, board, college fees) and will not be eligible for any reimbursement.

**Expulsion:** A decision of expulsion terminates the person’s status as an enrolled student with no opportunity for reinstatement. An expelled student may not enter onto any part of the campus without specific authorization from the vice president for student affairs. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice that the penalty of expulsion has been rendered. Students who are expelled from the College will not receive any credit for the classes enrolled in at the time of the infraction and residential students are also responsible for full payment of all fees (room, board, college fees) and will not be eligible for any reimbursement.

Please note: A record of disciplinary sanctions may impact a student’s ability to be a resident assistant, student government officer, orientation leader, judicial board member, etc. or participate in International Study Programs. Such a record must be reported on most law school applications, state bar examiner reports, medical school applications, some graduate school forms, some college transfer forms, and in some instances, job applications, particularly for federal or state positions.

D. Permanent Notation on the Transcript

For lesser violations of the Student Code of Conduct where the student has been suspended, the College will temporarily note the sanction of “suspension” on the academic transcript for the duration of time that the student is suspended from classes. This disciplinary notation will be removed when the student returns to classes. If the student does not wish to return to the College but would like the notation removed from his/her transcript, he/she may make a request in writing to the vice president of student affairs to have the notation removed. If the request is approved, the notation will not be removed until after the sanction of suspension has expired.

For serious violations of the student code of conduct, especially hazing and conduct which is considered by the College as an act of violence (physical assault, sexual assault, drug sale, bias-related crimes), or leads to death or serious injury of another person, the sanction shall be permanently noted on the student transcript.

The College will permanently note “expulsion” on the transcript for a student expelled from the College. There is no opportunity to remove the notation of expulsion. These notations on a transcript for student misconduct are imposed by the vice president for student affairs and are subsequently placed on the student’s record in the Registrar’s Office through notification by the Office of Judicial Affairs.

E. Ineligibility for Refunds

Whenever students are suspended or expelled from the College, he/she is also not eligible for any refund of tuition or fees (including but not limited to room, board, student activity fee, lab fees) for the semester he/she was enrolled.

Procedures

The vice president for student affairs has responsibility for all cases of nonacademic misconduct. It is the responsibility of the Office of the Vice President for Student Affairs to coordinate and evaluate the judicial process of the College. The vice president for student affairs designates the associate dean for judicial affairs as the staff member responsible
for the daily administration of student violations of the student code of conduct.

A. Filing Written Complaints

All members of the campus community and others can report alleged violations of College regulations. They can do so by submitting a written complaint to an administrative hearing officer (residence hall directors), or the associate dean for judicial affairs. The associate dean for judicial affairs can assist any College member in writing a complaint and preparing a case against another student.

B. Notification of Disciplinary Charges

Students charged with a violation of College regulations shall be notified in writing of the charge(s) imposed (persons or offices lodging a specific complaint, the range of sanctions related to the charge(s) applicable, and the date and time scheduled for the initial conference). Students can be charged with a violation of College regulations while not enrolled in classes. Students academically dismissed or inactive must answer to the charge imposed prior to returning to the College as an enrolled student. An initial conference provides the student with an opportunity to discuss the procedures of a disciplinary hearing with an administrative hearing officer. Decisions on whether a student is considered responsible for violating a College regulation is determined in a disciplinary hearing (see Disciplinary Hearing Bodies in this section).

C. Initial Conference

An administrative hearing officer shall schedule an initial conference with the accused and shall notify the accused in writing, of the time, date, and place of the meeting which shall be conducted within five (5) business days from the time of notification. This Initial Conference Letter will be mailed to a student at either his/her on-campus address (residential students) or home mailing address (commuter students). At the initial conference, the student will review (and receive a copy, if a request is made to this effect) all written documentation that will be presented during an administrative hearing or a hearing with the Student Conduct Committee, ask questions regarding the hearing process, and affirm or negate each charge imposed by the College. Initial conferences generally occur within seven (7) business days from the date of the incident. The student’s rights in the disciplinary process, hearing formats, and the range of sanctions that pertain to the charges imposed will also be discussed at the initial conference.

If the student fails to appear at the initial conference, all charges can be considered true and appropriate administrative action shall be taken by the administrative hearing officer.

At the initial conference, a student may elect one of the following courses of action:

1. **To sign a statement accepting responsibility** for violating a College regulation. For cases where there is a charge of a violation of a College regulation that fall under Level B (severe cases), the case is referred to the Student Conduct Committee. Otherwise, the case is then adjudicated administratively by the College official conducting the initial conference, who will take appropriate action including the possible imposition of a sanction and special conditions(s). If the student wishes to demonstrate mitigating circumstances by producing relevant witnesses or evidence, a postponement of up to 48 hours can be requested. The student may also request that his/her case be assigned to a different administrative hearing officer. At that time, the associate dean will administer this action.

2. **To elect to not appear at the hearing**, at which time a decision by the administrative hearing officer shall be made based upon the evidence and information presented at the hearing and appropriate administrative action shall be taken by the administrative hearing officer.

3. **To deny the alleged violation(s)**, in which case the official conducting the initial conference shall assign the case to one of the following courses of action based upon the type of charges imposed:
   (a) To hear the case immediately with the official conducting the initial confer-
ence (for violations of regulations that fall under Level A). An administrative hearing would be conducted by the official. The official may, in appropriate cases, postpone a hearing in order to allow the accused to prepare a defense or to arrange for the complainant to appear. The official may assign, or the student may choose to have, the case heard by another administrative hearing officer.

(b) To refer the case to the Student Conduct Committee (for violations of Level B regulations). If, however, the Student Conduct Committee cannot convene, the associate dean for judicial affairs or designee will arrange a hearing by an administrative officer. The associate dean for judicial affairs may, in appropriate cases, grant additional time to the student charged to prepare for the hearing.

The following table summarizes how cases are routed in the College’s disciplinary system. It is important to note that when a student is facing multiple charges in an incident but one of the charges carries a maximum sanction of expulsion, the case is automatically referred to the Student Conduct Committee. Violations of sexual misconduct are heard by specialized panels of the Student Conduct Committee. (See Procedures for Hearing Cases of Sexual Misconduct for additional information.)

<table>
<thead>
<tr>
<th>Regulation Section Title</th>
<th>Level B: Regulations Heard Only by Student Conduct Committee</th>
<th>Level A: Regulations Heard Only by Administrative Hearing Officers</th>
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<tr>
<td>Alcohol</td>
<td></td>
<td>All Section 1 regulations are heard administratively (with one exception for 1.3, see footnote*)</td>
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<td>Drugs</td>
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<tr>
<td>Disorderly &amp; Irresponsible Conduct</td>
<td>3.14</td>
<td>All other Section 3 regulations are heard administratively</td>
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<tr>
<td>Demonstrations &amp; Public Gatherings</td>
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<td>All Section 4 regulations are heard administratively</td>
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<tr>
<td>Sexual Misconduct &amp; Harassment</td>
<td>5.1a., 5.1b., 5.1c.</td>
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<tr>
<td>Residence Hall Access &amp; Room Visitation</td>
<td></td>
<td>All Section 6 regulations are heard administratively</td>
</tr>
<tr>
<td>Fire &amp; Safety Equipment</td>
<td></td>
<td>7.1b* All other Section 7 regulations are heard administratively</td>
</tr>
<tr>
<td>Firearms, Ammunition, Knives, &amp; Dangerous Weapons</td>
<td>All Section 8 regulations are heard by SCC</td>
<td></td>
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<tr>
<td>Explosives/Fireworks</td>
<td>9.1b.</td>
<td>9.1a.*</td>
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<td>Gambling</td>
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<td>11.2</td>
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<tr>
<td>Theft &amp; Possession of Stolen Property</td>
<td></td>
<td>All Section 12 regulations are heard administratively</td>
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<td>Motor Vehicles &amp; Motorcycles</td>
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<td>All Section 13 regulations are heard administratively</td>
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Conduct of Organizations

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<td>Computer Misuse &amp; Fraud</td>
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</tbody>
</table>

* Administration of severe incidents: Individuals charged with these violations that have allegedly placed others in significant harm’s way (e.g., an individual provides alcohol to another where a level of significant alcohol intoxication occurs) will have this matter heard by the Student Conduct Committee.

D. Rights of Students Accused of Violating College Regulations

Students charged with one or more violations of College Regulations have a right to:

1. Receive a written statement of the initial charges. If requested, students will be allowed to examine any written statements of evidence which the College plans to submit to the hearing body (written statements are normally reviewed at the initial conference).
2. Reasonable time to prepare for the hearing.
3. Be present at the hearing during the presentation of any matters on which a decision may be based.
4. Present an explanation of their situation/circumstances at the hearing and ask individuals to present information on their behalf. However, should students fail to appear at the scheduled time and place, the hearing will be held in their absence.
5. Be accompanied by another member (defined as a registered student, faculty, or staff member) of the campus community to serve as “hearing adviser;” a hearing adviser is permitted to advise the student charged in the organization of their thoughts and presentation of materials and can advise the student directly in the hearing. Hearing advisers may not address the hearing board nor any other individuals providing testimony. Hearing advisers may not respond to any questions for the accused. Hearing advisers may be present at hearings only.
6. Ask questions of the hearing board/officer and of any witnesses.
7. Present a summary statement at the close of the hearing.
8. A decision of the accuracy of charges by the Student Conduct Committee’s hearing board or the administrative hearing officer is based solely upon the evidence and testimony presented at the hearing. If the charges are found to be true, a decision on a sanction can be based upon the hearing and other matters of record.
9. An expeditious hearing of the student’s case.
10. A written report of the results and findings of the hearing within four (4) business days of the hearing.
11. Appeal the decision of the hearing board or administrative hearing officer.

E. Disciplinary Hearing Bodies

Administrative Hearing: Administrative hearings are conducted by College staff designated by the vice president for student affairs. All administrative hearing officers are trained in the educational merits of disciplinary proceedings and the basic tenets of due process. Administrative hearing officers will review the charge against the accused student and the evidence presented to support the charge. All administrative hearings are closed to the public. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense. Findings and an explanation of decisions resulting from administrative hearings shall be rendered in writing within four (4) working days. Administrative hearing officers may impose sanctions ranging from statement of concern to disciplinary probation and may recommend sanctions of suspension and expulsion to the associate dean for judicial affairs.

Student Conduct Committee: The Student Conduct Committee is the highest judicial body of the College. This committee is responsible for hearing and considering violations of the Student Code of Conduct that are of a sufficiently serious nature that might lead to disciplinary suspension or expulsion from College. The role of the committee is to hear
cases and make recommendations for disciplinary action, suspension, or expulsion to the associate dean for judicial affairs. The associate dean will determine the action to be taken thereafter.

The Student Conduct Committee shall consist of eight students, eight faculty members, and four staff members. Selection to the Student Conduct Committee shall be made by the vice president for student affairs. Appointments shall be made during the spring semester with the normal term of office for students being two years and the normal term of office for faculty and staff members being four years. Terms shall be staggered so that equal numbers of terms expire each year. All members of the Student Conduct Committee must complete a training session with the Office of Judicial Affairs before they serve on a panel. In addition, the vice president annually appoints one member of the committee to serve as chair of the Committee (usually a tenured faculty member). The chair shall preside over the hearing panel session and can be a member of the faculty or staff. In some cases, it may be necessary to appoint an alternative hearing panel chair when the chair is not available. Alternate chairs must attend a training session for chairs that will be conducted by the vice president for student affairs (or designee) and the Committee chair.

The vice president for student affairs shall appoint a staff member to be responsible for administering student judicial affairs. This responsibility is assigned to the associate dean for judicial affairs who will be responsible for convening hearing panels. The associate dean for judicial affairs shall select two students, two faculty, and one staff member to serve on a panel to hear each case as it occurs (forming a five-person panel, of which one is the Committee chair). In the event a five-person panel cannot be convened, the associate dean will convene a three-person panel (one faculty, one staff, and one student member, where either the faculty or staff member will serve as chair of the panel). If neither a five- nor three-person panel can be convened, the case may be heard administratively by the associate dean for judicial affairs. The associate dean may appoint a staff member to present the case to the hearing panel. The Student Conduct Committee will not ordinarily meet during finals week, the summer, or during official College breaks. During these periods, the functions of the Committee shall be carried out by administrative hearing officers. Hearings where a sanction of suspension or expulsion can be imposed shall be taped by the chair of the hearing panel. The audio recording can be made available to the accused student if requested for the sole purpose of appealing a disciplinary decision. In these instances, the student will be allowed to listen to the recording in the Office of Judicial Affairs.

The Student Conduct Committee can hear cases where a sanction of suspension or expulsion is a possible outcome. Cases shall be referred to the Student Conduct Committee by the associate dean for judicial affairs. Hearings shall be private (limited to the complainant, respondent, incident witnesses, hearing advisers, associate dean for judicial affairs, members of the hearing panel) and are not open to the public. The only exception to this clause is when the College has been notified by law enforcement officials that criminal charges have been filed against the respondent. In these instances only the respondent may have an attorney present solely for the purpose of protecting the respondent against self-incrimination in a future court proceeding. The attorney may not serve in any other capacity during the hearing including speaking on behalf of the respondent or questioning/addressing those present. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense.

The chairperson of the Committee shall file a report to the associate dean for judicial affairs of each case heard before the Student Conduct Committee. These reports are to include a statement of charges, the plea, the decision of the committee, the evidence considered, and the reasons for the final action taken, if any. Decisions of the hearing panel are final, unless appealed by the accused. However, the hearing panel can only recommend to the associate dean for judicial affairs that a sanction of suspension or expulsion be imposed.

Appeals of decisions regarding suspension or expulsion are heard by the vice president for student affairs. Such appeals from a student must be made in writing within four (4) business days of receipt of the decision or the matter is considered as final.
F. Order of Business for Disciplinary Hearings

Unless otherwise determined by the chair of the Hearing Panel or the administrative hearing officer, the hearing will generally follow the order described below:

a) Members of the Hearing Panel introduce themselves and ask all present to do the same.

b) The panel chair briefly reviews the hearing procedures as outlined here.

c) The charges are read by the coordinator of judicial affairs/administrative hearing officer.

d) The complainant may first present his/her testimony. Members of the Hearing Panel may question the complainant at any point during this presentation. The respondent will have the opportunity to question the complainant after this testimony is finished. If the complainant does not present his/her testimony, or if the College is the complainant, the administrative officer or Hearing Panel chair may read a summary of the alleged event(s).

e) When the complainant has finished, the complainant’s incident witnesses will each present testimony, with the Hearing Panel and the respondent permitted to ask questions as in step (d) above.

f) When the complainant has produced the evidence he/she wishes to present, the respondent will be given the opportunity to present his/her testimony and incident witnesses’ testimony as in (d) and (e) above. Again, both the Hearing Panel and the complainant will be permitted to question the respondent and his/her incident witnesses. Character witnesses are not permitted at any disciplinary hearing. Respondents may elect to submit written character references for the hearing panel/administrative hearing officer to review as a part of their deliberations.

g) When the respondent has produced the evidence he/she wishes to present, the Hearing Panel may ask further questions of either party or recall witnesses. The Hearing Panel may call brief recesses at any time to discuss the proceedings, and may ask further questions upon return from any such recess.

h) The chair may also call witnesses, including expert witnesses from the College staff, to aid the Hearing Panel in its consideration of the case.

i) When the Hearing Panel’s questions have concluded, the chair should inform the respondent that a written decision will be sent to him/her. The hearing will then be adjourned. The members of the Panel will meet in executive session to deliberate and to render a decision.

G. Basis for Findings: Standard of Evidence

The standard or basis for findings refers to the criterion or measure of proof that is used to assess if a student is responsible or not for violating Community Standards.

The basis for findings used during any judicial proceeding is a preponderance of the evidence. A preponderance of the evidence means that the hearing panel/officer found that a level of evidence presented led to more than a 50% finding that a student is in violation of a regulation of these Community Standards and thus responsible for a code violation. An easier way to think about this may be to consider the question, “Is it more likely than not that with the evidence and testimony presented that the student violated Community Standards?” If the answer is “Yes,” the hearing officer/panel has achieved a preponderance of evidence.

The College uses a preponderance of the evidence as a standard of evidence for student disciplinary hearings because it is the basis for findings that is the most conducive to the academic setting and the educational process found is disciplinary hearings.

H. Appeals

Students may wish to appeal decisions of the Student Conduct Committee/administrative hearing officer. To initiate an appeal, the student must submit a written appeal within four (4) business days of notification of the results of the hearing. The College can only accept appeals from the respondent. It cannot accept appeals from third parties (e.g., parents, faculty, staff, and friends). All appeals must be submitted in writing to Office of Judicial Affairs (Student Development Center 235). The vice president for student affairs will review
An appeal must be in writing and its scope shall be limited to the following:

(a) **Question of Fact:** Students may appeal on “questions of fact” by introducing new evidence which would significantly affect the outcome of the case. Evidence that comes forward that was not known by the accused shall be considered new evidence. Evidence that was withheld by a student shall not constitute a question of fact, nor is it to be considered upon appeal.

(b) **Question of Procedure:** Appeals will be considered on the basis of “questions of procedure” by demonstrating that the procedural guidelines established in this document were breached and that such departure from established procedure significantly affected the outcome of the case.

(c) **Severity of Sanction:** Students may appeal the “severity of sanction” that has been imposed by presenting a statement explaining why they feel the penalty is too severe.

All facts and evidence related to the case shall be reviewed by the vice president for student affairs (or associate dean for judicial affairs) to determine whether just cause exists to overturn the Student Conduct Committee’s recommendation/administrative hearing officer’s decision. If just cause is demonstrated to exist, then the appellate officer may choose to rehear the case or modify the sanction and/or special conditions imposed. If no just cause is demonstrated to exist, the appellate officer shall notify the student in writing of why the appeal was denied. This action shall be final and is not subject to further appeal.

**Procedures for Hearing Cases of Sexual Misconduct**

### A. Pre-Disciplinary Hearing Information & Procedures

**Off-Campus Complaints:** Alfred State College takes judicial jurisdiction to the extent practical and possible, over all sexual misconduct cases as long as the person charged is a student, regardless of the enrollment status of the alleged victim.

The College will also take judicial jurisdiction to the extent practical and possible, over all sexual misconduct cases that occur **off campus**, if the person being charged and the alleged victim is a student and the impact of the assault is likely to have a substantial effect on the alleged victim’s on-campus life and activities, or if the incident poses a threat or danger.

To the extent practical and possible, Alfred State College may also take judicial jurisdiction over students charged with **off-campus** sexual misconduct cases where the alleged victim is not a student. Complaints can also be brought against students when incidents take place during a period when the College is not in session (such as spring break). This policy does not include adjudicating incidents that occurred before the accused was matriculated or after the student has graduated. The College cannot hear complaints against students who have graduated.
B. Rights of Complainant and Respondent

It is the goal of Alfred State College to ensure that student victims (complainant) and the student accused (respondent) of sexual misconduct have access to needed resources, services, and information. Alfred State College strives to offer a reasonable parity of resources, services, and information, to the extent possible, to all parties to the complaint, including, but not limited to, the following rights:

Rights of Complainant (Victim): It is the goal of Alfred State College to ensure that students alleging sexual misconduct have access to needed resources, services, and information including:

- The right of the victim to be treated with respect by College officials;
- The right not to be discouraged by the College officials from reporting a sexual misconduct offense;
- The right to a College “No Contact” condition (for student victims) against another student who has engaged in or threatens to engage in stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the complaining student or others;
- The right to have complaints of sexual assault responded to quickly and with sensitivity by University Police;
- The right to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by College SART Advocates (for ASC students), if the student so chooses. This also includes their right not to report, if this is the victim’s desire;
- The right to be notified of available medical services, counseling, mental health or student services for victims of sexual assault, both at the College and in the community;
- The right to notification of options for, and available assistance in, changing academic and living (campus residential) situations after an alleged sexual assault incident is reported, if requested by the victim and if such changes are reasonably available (no disciplinary charges or completed investigation, College or criminal, need occur before this option is available);
- The right to be accompanied by another member of the College community (defined as a faculty or staff member of the College community) to serve as “adviser.” An adviser is permitted to advise the student charged in the organization of their thoughts and presentation of materials and can advise the student directly in the hearing (Adviser may not address the hearing board or any other individuals providing testimony and may not respond to any questions for the respondent. Advisers may be present at hearings only. Members of the press and attorneys are prohibited from serving as advisers during a sexual misconduct disciplinary hearing);
- The right not to have irrelevant prior sexual history admitted in a College hearing;
- The right to review all written statements regarding any discussion that will be presented following an initial conference (and prior to the disciplinary hearing);
- Ask questions of the hearing board and via the hearing board indirectly request responses from the complainant and any other witnesses present;
- The right to make an impact statement at the conclusion of the disciplinary hearing;
- The right to write a victim-impact statement to the disciplinary panel prior to rendering a final disciplinary decision;
- In accordance with Victims Right to Know law, in cases of physical violence/ harassment and sexual assault the complainant/victim is provided with copies of the respondent’s initial conference and disposition letters. In addition, in these cases the complainant/victim also has the right to attend the respondent’s hearing.
- The victim does not have a right to appeal the final decision rendered by the disciplinary hearing panel.

Rights of Respondent (Accused Student): Students charged with one or more violations of the sexual misconduct code have a right to:

- Be treated with respect by College officials;
- The right to be notified of available medical services, counseling, mental health, or other student services related to incident of sexual assault, both at the College and in the community;
• The right to request assistance in changing one’s academic and living (campus residential) situations after an alleged sexual misconduct incident if such changes are reasonably available (no disciplinary charges or investigation, College or criminal, need occur before this option is available);
• Receive a written statement of the specific charges. If requested, students will be allowed to examine any written statements of evidence that the College plans to submit to the hearing body (written statements are normally reviewed at the initial conference with a campus judicial hearing officer or the associate dean for judicial affairs);
• Reasonable time to prepare for the hearing;
• The right to review all written statements regarding any discussion that will be presented following an initial conference (prior to the disciplinary hearing);
• Be present at the hearing during the presentation of any matters on which a decision may be based;
• Present an explanation of his/her situation/circumstances at the hearing and ask individuals to present information on his/her behalf. However, should the student fail to appear at the scheduled time and place, the hearing will be held in his/her absence;
• Be accompanied by another member of the College community (defined as a faculty or staff member of the College community) to serve as “adviser.” Adviser is permitted to advise the student charged in the organization of their thoughts and presentation of materials and can advise the student directly in the hearing (Adviser may not address the hearing board or any other individuals providing testimony and may not respond to any questions for the respondent. Advisers may be present at hearings only. Members of the press and attorneys are prohibited from serving as advisers);
  • The only exception to this clause is when the College has been notified by law enforcement officials that criminal charges have been filed against the respondent. In these instances only the respondent may have an attorney present solely for the purpose of protecting the respondent against self-incrimination in a future court proceeding. The attorney may not serve in any other capacity during the hearing including speaking on behalf of the respondent or questioning/addressing those present.
• Ask questions of the hearing board and via the hearing board indirectly request responses from the complainant and any other witnesses present;
• Reserve the right to not answer questions. No negative presumption will be presumed by the disciplinary hearing panel if any individual does not respond to a question;
• Present a summary-impact statement at the close of the hearing (also reserved for the complainant);
• The right to write a victim-impact statement to the disciplinary panel prior to rendering a final disciplinary decision;
• An expeditious hearing of the student’s case;
• A written report of the results and findings of the hearing within five (5) business days of the hearing (unless the hearing panel requires additional days to deliberate in rendering a decision);
• The right to appeal the finding and sanction of the administrative judicial panel to the vice president for student affairs (or designee) and in accordance with the standards for appeal established in the Student Code of Conduct.

C. Removing Respondent from Residential or Academic Environment

The College will remove a respondent from her/his living unit and/or academic setting, if requested by the complainant and the College finds it is reasonable to do so (space available, etc). Although such an administrative action by the College may seem unfair to the respondent, it may be a necessary action so that the College can protect the rights of the complainant and minimize any further interaction that may occur if left unaddressed. This decision is implemented by the vice president for student affairs or designee.

D. Interim Suspension – Removal from the College until Hearing

The College can also choose to invoke an interim suspension with alleged infractions of sexual misconduct and can be invoked when the College believes there is evidence that the respondent may pose a risk to the safety and well-being of others prior to the conclu-
E. Size and Composition of Sexual Misconduct Panels

Sexual misconduct is a complex issue for disciplinary panels to hear. Panelists for sexual misconduct cases complete additional training provided by the Division of Student Affairs before they can serve on a specialized panel for sexual misconduct.

Sexual misconduct complaints are heard by faculty and staff who are already appointed to the Student Conduct Committee and are selected by the vice president for student affairs to serve on sexual misconduct cases. Sexual misconduct panels are chaired by the associate dean for judicial affairs (if the associate dean is not available, an alternate chair will be appointed by the vice president for student affairs). The three-person sexual misconduct panel will consist of the chair and two other members. All disciplinary hearings are closed to the public and are limited to College representatives on the hearing panel, the victim, the respondent, advisers, and witnesses. The College does not allow character witnesses to attend any disciplinary hearings.

F. Rendering Disciplinary Decisions Regarding Sexual Misconduct

Disciplinary panels for sexual misconduct will draft a decision and send it to the complainant and respondent for their review. Either may elect to provide a written impact statement on the draft decision before it is finalized by the panel. These statements must be submitted to the chair of the Panel within four (4) business days of receipt of the draft decision. Thereafter, the panel will render a final decision regarding the matter and impose sanctions (if any) appropriate with their decision. No disciplinary action shall be taken unless it is established by a preponderance of evidence upon the record considered as a whole that the accused student has committed the charged offense.
Respondents may wish to appeal decisions of the administrative hearing panel. To initiate an appeal, the student must submit a written request for an appeal to the vice president for student affairs within four (4) business days of notification of the results of the hearing.

**OTHER ADMINISTRATIVE ACTIONS**

**A. Interim Suspensions and Involuntary Withdrawals**

The College maintains a Health Services and a Counseling Services Department to serve the medical and psychological needs of students. Students whose needs are beyond the resources of these services will be referred to off-campus facilities whenever possible. However, students who cannot adequately be helped by the available services and whose behavior renders them unable to function in the College without harming themselves, others, or disrupting the College community (see Involuntary Withdrawal Policy and Interim Suspensions procedures), and/or if the students’ behavior is considered detrimental to themselves or others in the residence hall or classroom environment may result in being required to leave the College. When these situations arise, the vice president for student affairs (or designee) may immediately impose any of the following actions: suspend a student from attending all classes, impose a “no contact” condition between the complainant and accused, ban the student from the campus, relocate a student to another residence hall, and/or deny campus residency to the student. The College will subsequently provide the student with due process and an opportunity for a hearing when an interim suspension is invoked. Any future action will be based upon the information presented and reviewed in a hearing coordinated by the Office of Judicial Affairs.

**B. Parental Notification Guidelines**

Alfred State College believes that a successful educational process is a partnership between individuals and the institution. This belief served as a basis for the adoption of the College’s Principles of Community and the Student Code of Conduct.

In recognition of these partnerships and of the following:

- Whereas excessive, abusive, illegal, and/or repetitive use of alcohol and/or illegal substances is inconsistent with the maintenance of the educational environment;
- Whereas illegal use and/or possession of alcohol or illegal substances generally represents violations of law and campus regulations;
- Whereas excessive, abusive, illegal, and/or repetitive use of alcohol and/or illegal substances threatens the wellbeing of individuals and property and tends to diminish students’ opportunities for personal growth, intellectual development, and academic success; and
- Whereas students’ parents or guardians are respected for their roles as partners with the College in supporting the students’ personal and academic success;

The vice president for student affairs (or designee) has the authority to determine when and by what means to notify parents or guardians when students under the age of 21 are found to have committed serious or repeated violations of College policies related to the possession, use, or distribution of alcohol or illegal substances.

The vice president for student affairs (or designee) will follow these guidelines in determining whether or not to notify parents or guardians:

- The violation involves harm or threat of harm to persons or property;
- The violation involves an arrest in which the student was taken into custody;
- The violation results in or could result in the student’s being suspended from the College and/or removed from the residence halls;
- The student has shown a pattern of violations – even if they are minor. Two or more violations associated with illegal substances and/or alcohol use would be reasonable cause for notice;
- The student who commits the violation(s) became physically ill and/or required medical intervention as a result of consumption of alcohol or illegal substances.
Furthermore,
• Nothing in these guidelines shall prevent College officials from notifying parents or guardians of health or safety emergencies regardless of the judicial status of the student.
• Nothing in these guidelines should preclude the College from notifying parents or guardians when students under the age of 21 are involved in a group activity off campus in which the students’ organization is found to have violated College policy with respect to the use and/or consumption of alcohol or illegal substances.
• The vice president for student affairs may delegate the notification of parents/guardians to other College officials under the vice president’s supervision.
• Whenever possible, students will be informed that parental notification is planned in advance of their parents/guardians receiving the notice.

C. Records

A record of all actions by Administrative Hearing Officers and the Student Conduct Committee are to be compiled and transferred under confidential cover to the Office of Judicial Affairs. Disciplinary records will be retained in the Office of Judicial Affairs accordingly:
(a) Records of sanctions ranging from Statement of Concern to Disciplinary Probation will be kept for one year past the graduation date of the student (or if they do not graduate after one year of non-enrollment at the College).
(b) Records pertaining to suspension, expulsion, interim suspensions, and involuntary withdrawals shall be retained permanently by the College.
(c) If a student discontinues enrollment but has disciplinary charges un-adjudicated, a hold will be placed against the student preventing re-enrollment at the college and a record of the charges/allegations will be kept on file until the pending disciplinary matter has been resolved.

Student disciplinary records will be confidential except to “authorized College personnel” engaged in authorized functions regarding the examination of records. Records of disciplinary proceedings shall remain in the custody of the College. Records may be released to an outside agency only through a signed release from the student or a court subpoena. The College will process any request for release of a disciplinary record that is consistent with the records management policy noted above. For records under section (a), the College would respond that the student does not have a disciplinary record or history once the record is destroyed. If the student does not specify what part of the disciplinary record he/she wants released, the College can choose to provide a summary of the disciplinary record or the complete disciplinary record (charge letter, disciplinary decision, student’s appeal (if one), College’s response to appeal (if one). The College may also choose to redact portions of the record that provide personal identifiable information about other students or victims prior to release. In accordance with the Family Educational Rights and Privacy Act (FERPA) the College reserves the right to release a student’s information to parent(s) if that student is claimed as a dependent by said parent(s).

“Authorized College personnel” shall be deemed to include College officials with responsibilities governing student conduct, judicial hearing board members, judicial appeal officers, administrative personnel responsible for maintaining student records, members of the College community authorized under the “need to know” clause of the Family Educational Rights and Privacy Act, and any other official authorized in writing by the vice president for student affairs. “Need to know” officials are defined as College officials whose work is directly affected by information contained in the disciplinary record. Students shall be notified in writing that their disciplinary records have been released to “need to know” parties. With exception to the sanction of expulsion, suspension, and special failing grade (with violations of academic dishonesty) disciplinary sanctions do not appear on College transcripts. Students who are expelled, suspended, or separated from the College through involuntary withdrawal procedures will be prohibited from receiving clearance for readmission or reinstatement until the specific penalty or required remedial action has been carried out according to the student’s notice of disciplinary or administrative action.

College policies concerning other educational records can be found in respective departments charged with the responsibility of maintaining those records. Students should also be aware that certain records do not fall under the definition of “educational records” as
prescribed by FERPA. However, other federal and state laws govern the level and degree of confidentiality pertaining to these “non-educational” student records. Non-educational records include employment records, records maintained by University Police, and records of physicians, psychiatrists, psychologists, and counselors acting in their professional capacity.

For more information concerning the contents of this document, contact the Vice President for Student Affairs, Student Development Center 332 or the Office of Judicial Affairs, Student Development Center 235.