

STUDENT CODE OF CONDUCT

Article I – Introduction

SUNY Geneseo is distinguished by one overriding purpose: to achieve excellence in higher education. The College realizes this through a spirit of cooperation and collaboration among all members of the community. In particular, Geneseo values:

Excellence, and upholds high standards for intellectual inquiry and scholarly achievement;

Innovation, and affirms a spirit of exploration that fosters continued excellence;

Community, and embraces the educational aspirations and interests that its members share;

Diversity, and respects the unique contributions of each individual to the campus community;

Integrity, and promotes the development of ethical citizens;

Service to Society, and models the qualities it seeks to develop in its students;

Tradition, and celebrates its long history of collaborative, learning-centered education.

Individual honesty and integrity, respect of oneself and others, concern for the physical well-being of oneself and others, and concern for the community are fundamental to the development of self-awareness and interpersonal competence that characterizes a liberally educated person.

SUNY Geneseo has formulated a student code of conduct on behavioral standards and expectations, which is consistent with its mission as an educational institution. These regulations and the procedures for their enforcement described herein apply to all student conduct and behavior.

The specific regulations described below should not be viewed as a comprehensive code of desirable conduct; rather they describe the minimum standards of behavior expected of Geneseo students in order to facilitate the fulfillment of the basic mission of the values of the college.

This student code of conduct is based on the principle that each student must accept responsibility for his or her own behavior.

SUNY Geneseo publishes and makes available to all students its regulations and its procedures for enforcing them (via this document and on the internet). Students are expected to become familiar with the regulations of SUNY Geneseo and act to accordingly.

Article II – Definitions

When used in this Student Code of Conduct:

1. The terms "College," "institution," and "SUNY Geneseo" mean the State University

of New York College at Geneseo.

2. The term "student" includes all persons taking a course or courses at SUNY Geneseo, either full- or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with SUNY Geneseo or who have been notified of their acceptance for admission are considered "students", as are persons who are living in SUNY Geneseo residence halls, although not enrolled. This Student Code of Conduct applies to all locations of the college.
3. The term "faculty member" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term "member of the College community" includes any person who is a student, faculty member, administrative staff, or person employed by the College. The Dean of Students shall determine a person's status in a particular incident.
6. The term "College premises" includes all land, buildings, facilities, and other property in possession of or owned, used, or controlled by the College as well as including adjacent streets and sidewalks.
7. The term "organization" means any organization officially sponsored or recognized by the College.
8. The term "Student Conduct Board Committee" means a body of at least fifteen (15) members from which Student Conduct Board members are chosen. The President of the College appoints the members with the recommendation from the Dean of Students or his/her designee. The pool of Student Conduct Board Committee consists of at least five (5) faculty members, five (5) administrative staff members and five (5) student members. Appointments are for the period of one year.
9. The term "Student Conduct Board" means a group of three (3) voting members (1 administrative staff, 1 faculty, and 1 student) drawn from the Student Conduct Board Committee by the Dean of Students or his/her designee to hear a case of alleged student misconduct. The Dean of Students or her/his designee serves as a nonvoting chairperson and procedural officer. The Student Conduct Board is charged with determining whether a student has violated the Student Code of Conduct and to levy sanctions when a rules violation has been committed.
10. The term "presenter" means a College faculty member or College official appointed by the Dean of Students or her/his designee to present College misconduct cases to the Student Conduct Board. The presenter does not represent any one party involved but rather offers the basic information on the case at hand. This may be the non-voting member and procedural officer.
11. The term "Student Conduct Advisor" means a College faculty or administrative staff who assists the accused student or complainant in a Student Conduct Board review. The Dean of Students or his/her designee maintains the list of available Student Conduct Advisors. The conduct advisor may accompany the accused student to any Board review or pre-review meeting. The conduct advisor is chosen by the accused or complainant and may address the Student Conduct Board within a limited focus as

determined by the presenter.

12. The term "Student Conduct Administrator" means a College official authorized by the Dean of Students or his/her designee on a case-by-case basis to determine whether students have violated the Student Code of Conduct and to impose sanctions upon students found to have violated the Student Code of Conduct.
13. The term "Appellate Administrator/Appellate Board" means any person or persons authorized by the Dean of Students or his/her designee to consider an appeal from a Student Conduct Board's determination and/or sanctions, or from the determination and/or sanction(s) imposed by a Student Conduct Administrator. The Appellate Board consists of three (3) voting members (1 administrative staff, 1 faculty, and 1 student) drawn from the Student Conduct Board Committee with the requirements that they did not serve on the Student Conduct Board for the initial hearing, do not present a conflict of interest, and have been properly trained in appeals procedures.
14. The Dean of Students is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.
15. The term "policy" means the written regulations of the College as found in, but not limited to, the Student Code of Conduct, Residence Life License, the Geneseo Handbook Update, and the Graduate/Undergraduate Bulletin.
16. The term "cheating" includes, but is not limited to: 1) use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying-out other assignments; 3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty and/or administrative staff; and/or engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
17. The term "plagiarism" includes but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the intentional use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
18. The term "hazing" is defined as any act, explicit or implicit, committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization or team and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student, regardless of the person's willingness to participate. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. (As approved by College Council Feb. 17, 2012)
19. The term "complainant" means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that he/she has been a victim of another student's misconduct, the student who believes he/she has been a victim will have the same rights under this Student Code of Conduct as are provided to the complainant, even if another member of the College community submitted the charge.
20. The term "accused student" means any student accused of violating this Student Code

of Conduct.

Article III – Student Conduct Authority

1. The Dean of Students or his/her designee shall determine the Student Conduct Administrator or Appellate Administrator, or the composition of the Student Conduct Board or Appellate Board, and determine who shall be authorized to hear each matter.
2. The Dean of Students or his/her designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of the Student Conduct Board reviews that are consistent with provisions of the student Code of Conduct. The Dean of Students or his/her designee is further authorized to modify those policies and procedural rules as long as the modifications are consistent with provisions of the Student Code of Conduct.
3. Decisions made by a Student Conduct Board and/or Student Conduct Administrator/Board shall be final, pending the outlined appeal process.

Article IV - Proscribed Conduct

A. Jurisdiction of the Student Code of Conduct

The SUNY Geneseo Student Code of Conduct shall apply to conduct that occurs on College premises; at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from the College while a conduct matter is pending. The Dean of Students or his/her designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion applying the standard articulated above.

B. General Conduct Rules and Regulations

The following is a list of examples of the types of behaviors that are antithetical to the values Geneseo has identified as essential elements of excellence in higher education. It is published to provide fair notice of the types of conduct that may result in disciplinary action. This list is not all-inclusive.

1. Physical abuse or verbal abuse resulting in intimidation, harassment or coercion of another person or group of persons including acts such as killing, assaulting, battering, stalking, sexually assaulting, or sexually harassing another person, dating or domestic violence, or any other conduct which directly threatens or endangers the health and safety of any person.
2. Deliberate or reckless endangerment, to self or others; tampering with safety alarms or equipment; setting unauthorized fires; violation of specific safety regulations;

- failure to render reasonable cooperation in any emergency.
3. Possession, use, or storing on campus of firearms (including but not limited to compressed air guns, air soft guns, pellet, or BB guns), dangerous weapons, dangerous chemicals, martial arts weapons (excluding those used by recognized student organizations and that have modified for use for practice, approved by the University Police Department, registered with College Union and Activities, and stored securely at an approved on-campus location), explosive devices of any description, knives (excluding standard kitchen knives or folding pocket knives), or fireworks.
 4. Obstruction or disruption of regular College activities, including teaching, research, administration, campus services, student conduct proceedings, and organized events; interference with the free speech and movement of members of the College Community; refusal to identify oneself when requested or to obey any other lawful instruction from a College official or faculty member to discontinue or modify any action which is deemed disruptive.
 5. Dishonesty, including (but not limited to) provision of false information, alteration or misuse of documents, records, or instruments of identification, plagiarism, cheating or other forms of academic dishonesty, impersonation, misrepresentation, or fraud. Causing, making, or circulating a false report or warning of a fire, explosion, crime or other catastrophe.
 6. Obscene behavior, offenses against public order, public sensibilities and the right to privacy, which include but is not limited to disorderly conduct, harassment, criminal nuisance and public lewdness.
 7. Damage, abuse, or unauthorized use, or attempted or actual theft of personal, public, or College property, unauthorized entrance to college facilities, possession of stolen property, and littering.
 8. Illegal use, sale, distribution, manufacturing, or possession of alcohol, intoxicants, or drugs (including but not limited to controlled substances and prescription medication). Participation of a student in any incident, accident, or personal injury that is related to the use by that student of alcohol, intoxicants, or drugs.
 9. Use or possession of open containers of alcoholic beverages on campus, other than at approved locations and events or in accordance with the SUNY Geneseo Policy on Alcohol and Illicit Drugs is prohibited. Containers of alcoholic beverages found on campus, which are not in compliance with approved college policies, will be confiscated and/or destroyed by a University Police officer.
 10. Hazing, for the purpose of pledging, initiation, admission to, holding office, affiliation with, or as a condition for continued membership in, any group or organization in discordance with the College's Hazing Policy. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts, they are violations of this rule.
 11. Gambling on-campus or at College sponsored student activities.
 12. Theft or abuse of computer resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.

- d. Use of computing facilities to interfere with the work of another student, faculty member or College official.
 - e. Use of computing facilities to send obscene or harassing messages.
 - f. Use of computing facilities to interfere with normal operation of the College's computing system.
 - g. Illegal use including but not limited to downloading or use of file sharing programs with regard to copyrighted materials.
 - h. Any other violation of the College's computer use policy.
13. Any unauthorized use of electronic or other device to surreptitiously make an audio, video, photographic, web cast or digital record of any person while on College property without prior knowledge or without effective consent, except as permitted by law, when such a recording is likely to cause injury or distress. This includes but is not limited to surreptitiously taking pictures of another person in a location that violates the standard of reasonable expectation of privacy.
14. Failure to comply with the lawful directions of any college official, staff member, or student employee who is acting in performance of duties of position, and/or failure to identify oneself to these persons when requested to do so. Emergency orders may supersede some written regulations. Students who receive directives which they consider unreasonable, although not illegal, must obey them at the time and may bring a formal complaint against the issuing staff members by writing to the Vice President for Student and Campus Life.
15. Abuse of the conduct system, including but not limited to:
- a. Failure to obey the summons of a conduct body or College official.
 - b. Falsification, distortion, or misrepresentation of information before a conduct body.
 - c. Disruption or interference with the orderly proceedings of a student conduct proceeding.
 - d. Institution of a conduct proceeding knowingly without cause.
 - e. Attempting to discourage an individual's proper participation in, or use of, the conduct system.
 - f. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding.
 - g. Harassment (verbal or physical) and/or intimidation of a member of a conduct body, witness, or complainant prior to, during and/or after a conduct proceeding.
 - h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
 - i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
16. Violating any local, state or federal law if such action has serious impact on the College community.
17. Violating any College policy, rule or regulation published in hard copy or available electronically on the College website.
18. Deliberate incitement of others to commit any of the acts prohibited above; involvement as an accessory to any of the prohibited acts by providing assistance or encouragement to others engaged in them or by failure to separate oneself clearly from another individual or a group in which others are so engaged when there is

sufficient time and opportunity to do so.

C. Violation of Law and College Policies

Geneseo conduct proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code of Conduct. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Dean of Students or his/her designee. Geneseo students, as members of the College community are expected to act with respect for the safety, personal rights and property of individuals and groups outside the College, as well as respect the proper authority of local, state, and federal officers and officials. Please note that off campus conduct is specifically covered by this code. It is covered if it is of a serious nature affecting the interests of the College community and violates College standards of conduct as set forth herein. Loss of privileges, specified conduct requirements, or separation from the College may be imposed on any student whose conduct on or off campus adversely affects the academic community, particularly as it shows failure to accept responsibility for the welfare of other persons.

A College conduct proceeding is not a trial; any attempt to make it similar would seriously impair its educational function, which requires open discussion rather than adversarial debate. The College is committed to providing due process to all students involved in the College conduct proceedings.

Article V – Conduct Procedures

1. Any member of the College community may file a complaint against any student for misconduct. A complaint shall be prepared in writing and directed to the Dean of Students or his/her designee. Any complaint should be submitted as soon as possible and no later than six months after the event takes place. The Dean of Students may waive the six-month limitation when a late submission is reasonable.
2. The Dean of Students or his/her designee may conduct an investigation to determine if the charges have merit and/or they can be disposed of administratively by mutual consent of all parties involved, including the Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings.
3. The Dean of Students or his/her designee will review the results of the investigation to determine the severity of the charges. A case will then be designated as Level I or Level II based on the severity of the charges and/or conduct history. Level I cases are those in which the resultant action is expected to be less than suspension and are adjudicated by a Student Conduct Administrator. Level II cases are more severe cases where suspension or dismissal from the College is a possible outcome. A Student Conduct Board hears Level II cases.
4. All charges shall be presented to the accused student in written form within five (5) business days of receipt of a written complaint. The written charges will outline the specific rule(s), regulation(s), or law(s) violated. Written notice also includes a brief description of the incident and, when possible, the date, time, and location where the alleged infraction occurred, and direct students to a copy of the Conduct Procedures.

Maximum time limits for notification may be extended at the discretion of the Dean of Students. For Level I cases, a review shall be scheduled in not fewer than 24 hours and not more than ten (10) business days after the student has been notified. For Level II cases, a review shall be scheduled in not fewer than five (5) business days and not more than ten (10) business days after the student has been notified. Maximum time limits for scheduling of a review may be extended at the discretion of the Dean of Students.

5. In Level II cases, the complainant and the accused student are given the opportunity to meet with the Dean of Students or his/her designee prior to the convening of the Student Conduct Board to discuss the board procedures.
6. The College allows students accused of violating the Student Code of Conduct, and complainants in sexual assault cases, to have the benefit of counsel or a conduct advisor at all Level II conduct proceedings and in those cases where a student is facing coexistent criminal and intramural charges stemming from the same incident. Counsel or the conduct advisor's role shall be passive and it is limited to advising the student as to whether the student should or should not answer questions. Counsel or the conduct advisor is not allowed to question members of the conduct board or witnesses, or conduct a traditional defense. Should counsel or the conduct advisor attempt to participate beyond this defined role, the chairperson and procedural officer may disqualify counsel or the conduct advisor from further participation in the proceeding and direct his/her removal from the room.
7. Conduct proceedings shall be conducted by a conduct body according to the following guidelines:
 - a. Proceedings shall be conducted in private.
 - b. In Level I proceedings, persons in attendance shall be limited to the accused student and the conduct administrator.
 - c. In Level II proceedings, persons in attendance shall be limited to: the complainant, the accused student, the conduct board, witnesses (for the duration of their statement), and counsel and/or the conduct advisor as described above. In Level II cases only, participants may also include the complainant (or a representative of the College if the College is the complainant), and counsel or conduct advisor of both the accused student and the complainant.
 - d. In student disciplinary proceedings involving domestic violence, dating violence, stalking, or sexual violence, the campus will allow parties to review available materials and documents held by the campus in accordance with college/university policy. Parties can also present available materials and documents as appropriate under campus policies.
 - e. The complainant and the accused shall have the privilege of presenting witnesses, subject to the right of questioning by the conduct board, the complainant, and the accused. Any question asked by the complainant or the accused to a witness, the accused, or the complainant must be directed to the chairperson of the Conduct Board, who will then ask the question. This method is used to preserve the educational tone of the review and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board.
 - f. Pertinent records, exhibits, and written statements may be accepted as evidence

- for consideration by a conduct board at the discretion of the chairperson or conduct administrator.
- g. All procedural questions are subject to the final decision of the chairperson of the conduct board or the conduct administrator.
 - h. At the conclusion of the review, the conduct board or conduct administrator shall determine (by majority vote if the conduct body consists of more than one person) whether the student has violated each section of the Student Code of Conduct, which the student is charged with violating.
 - i. The conduct body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct (preponderance of evidence).
 - j. Upon determination of whether the accused student has violated any section of the Student Code of Conduct, which the student is charged with violating, a written notice of outcome will be sent to the student. In cases involving sexual violence, both the accused and the complainant will be informed in writing of the outcome, essential findings, and sanctions within 10 business days of the review. Maximum time limits for notification may be extended at the discretion of the Dean of Students.
 - k. In cases involving more than one student, the conduct body will hear each case separately. For issues of group misconduct refer to the procedures outlined in "Conduct Procedures for Recognized Student Groups."
 - l. A member of a conduct body who is unable to be impartial shall disqualify him/herself. If the accused student challenges the impartiality of a conduct board member, a final determination as to the ability to serve on the conduct board will be made by the Dean of Students or his/her designee.
8. There shall be a single verbatim recording made of all Level II (Student Conduct Board) proceedings. Deliberations shall not be recorded. This recording shall be the property of the College.
 9. If an accused student, with notice, does not appear before a Student Conduct Board, the information in support of the charges shall be presented and considered even if the accused student is not present. No student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a conduct body.
 10. The Student Conduct Board, for good cause, may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the review by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, videotape, or other means, where and as determined by the Dean of Students or his/her designee.
 11. A student charged with any violation of this Student Code of Conduct may choose to waive, in writing, any of the rights and/or procedures provided to him/her under the Student Code of Conduct. When a student waives his or her right to a conduct procedure, the conduct body will be convened to review the case and determine appropriate sanctions. The decisions of the body will be binding, pending the normal appeal process.

Article VI – Sanctions

The following sanctions (multiple sanctions may be utilized for a single violation) may be imposed upon any student found to have violated the Student Code of Conduct. A student's past conduct record shall be considered in the determination of appropriate sanctions. The following is not an exhaustive list of sanctions.

- Written Warning - A notice in writing to the student that the student is violating or has violated College regulations and is cautioned that there will be further consequences if the Code of Conduct is violated again.
- Conduct Probation - A written reprimand for violation of specified College regulations in effect for a designed period of time, during which there is a probability of a more severe conduct sanction if there is any further violation of the Code of Conduct. Maximum term of Conduct Probation is one academic year (posted to end of semester of the term of the probation – i.e. December 31 or May 31).
- Deferred Suspension – A period of time of observation in which a suspension is placed on hold. During this time the student remains enrolled with the understanding that any subsequent violation of the Student Code of Conduct could result in suspension or dismissal. Deferred Suspension is imposed for a specific period of time (no more than one academic year (posted to end of semester of the term of the suspension – i.e. December 31 or May 31)).
- College Suspension - Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The maximum term, which may be imposed (per adjudication), is one (1) calendar year (posted to end of semester of the term of the suspension – i.e.: December 31 or May 31).

The following actions may be applied in conjunction with Conduct Probation, Deferred Suspension and Suspension:

- Loss of Privileges - Denial of specified privileges for a designated period of time.
- Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions - Work assignments, service to the College or other related discretionary assignments.
- Deferred Removal from College Residence Halls - Notice to a student that if there is subsequent violation of the Student Code of Conduct, the privilege of living in College residence halls will be terminated immediately with no refund.
- Residence Hall Suspension - Separation of the student from the residence halls for definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. No refund of housing charges.
- Residence Hall Dismissal - Permanent separation of the student from College residence halls. No refund of housing charges.
- Withholding a degree – Geneseo may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of any sanction imposed.
- Revocation of admission or degree – Admission to Geneseo or a degree awarded from Geneseo may be revoked for fraud, misrepresentation, or other violation of Geneseo standards in obtaining the degree, or for other major violations committed

by a student prior to graduation. The revocation of a Geneseo degree must be implemented by the SUNY Board of Trustees.

- Conditional Discharge - Dismissal of charges on conditions established by a conduct board or conduct administrator.
- College Dismissal (expulsion) - Permanent separation of the student from the College.

Other than dismissal, revocation or withholding of a degree, hazing or other serious violations which lead to the death or serious physical injury of another student (as defined previously), or crimes of violence, including but not limited to sexual violence, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student conduct record maintained by the Dean of Students Office.

For students found responsible for hazing and other serious offenses that may have resulted in the death or severe injury of another person, or crimes of violence, including but not limited to sexual violence as it is defined in the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and who were subsequently suspended or dismissed from the College as a result of their conduct, a permanent notation will be made on the student's Geneseo academic transcript. Further, students found responsible for such violations shall not receive credit for the semester in which the suspension or dismissal occurred, and will be liable for all tuition and fees for that semester.

Article VII - Interim Suspension

In certain circumstances, the President or his/her designee may impose a College or residence hall suspension prior to the review before the Student Conduct Board.

1. Interim suspension may be imposed only if a student poses a direct threat:
 - a. to ensure the safety and well being of members of the College community;
 - b. to the student's own physical or emotional safety and well-being; or
 - c. of disruption of, or interference with, the normal operations of the College.

By direct threat it is meant that, in the view of the College, there is a high probability of substantial harm.

2. During the interim suspension, the student shall be denied access to the residence halls and/or to College premises (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the College official effecting the suspension may determine to be appropriate.

If suspended in this manner, the student is entitled to an interview with the Vice President for Student and Campus Life or his/her designee, within five (5) business days from the effective date of the interim suspension in order to discuss the following issues only:

- a. the reliability of the information concerning the student's conduct, including the matter of his or her identity; and
- b. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat

- to him or herself or to others or the stability and continuance of normal College functions; and
- c. to outline the process through which the student's actions will be adjudicated through the Student Conduct Process or to establish the conditions under which a student may return to campus.

Article VIII - Notification of Parents

The College is committed to a goal of student maturity and self-direction. The College also recognizes that some students have developed these qualities to a greater extent than others. In some cases, where a student has shown a pattern of irresponsible behavior and has not responded to College assistance or resources, parents may be notified. When a student is suspended, parents may be notified in order to provide parental assistance. All parental notification shall comply with the provisions of the Family Educational Rights and Privacy Act. Students are urged to discuss all conduct violations with their parents or guardians.

Article IX - Release of Information

Student conduct information is considered confidential and is governed by the College Records Policy. When the news media or others seek information about conduct action, the policy employed to protect individual privacy is as follows:

1. To the question of whether a particular form of misconduct has occurred, the College will reply to the effect that such an incident of misconduct either was or was not reported (not proven).
2. To the question of whether a particular student was reportedly involved in misconduct, the College will not reply without the student's permission, unless the student has made a verified public statement on the matter.
3. To the question of whether action has been taken, the College will reply to the effect that a student conduct review has been or will be or will not be held, without comment on the result of that review.
4. To the question of whether a specified action resulted from the review, the College may respond to the effect that it did or did not result, but only if the news medium proves that the student in violation stated that such an action was taken.
5. In the event that the student's public statement about student conduct action is incorrect or incomplete, the College may give any details considered necessary for an accurate report without compromising other students' privacy rights.

Article X – Appeals

A decision or sanction reached by the Student Conduct Board or a conduct administrator may be appealed. A student's written appeal must be received in the Dean of Students Office within five (5) business days of receipt of written notification of the decision. Such written appeals shall be delivered in person or via US Mail. Appeals will not be accepted by email.

In cases of sexual and interpersonal violence, including sexual harassment and sexual assault, the accused and the reporting individual may both file a written appeal following a conduct administrator/board's written notice of outcome. If only one of the parties submits an appeal, the non-requesting party will receive notice of the appeal and may submit either his or her own appeal or a written response to the requesting party's appeal within five (5) business days of receipt of notification, which the Appellate Board/Administrator will consider together. All appeals for Level I and Level II sexual and interpersonal violence cases shall be heard by an Appellate Board.

In cases where the Dean of Students is the Conduct Administrator, or is unable to hear the appeal, the Vice President for Student and Campus Life or his/her designee will hear the appeal. Appeals involving Level II reviews – those heard by the Student Conduct Board – shall be considered by an Appellate Board. When a student appeals a conduct decision, any action based on that decision shall be suspended until the appeal process is completed.

Written petitions of appeal must be based upon the circumstances listed below. The decision of the Appellate Administrator/Appellate Board is final and binding.

In cases involving appeals of violations of the Student Code of Conduct by accused students, review of the sanction by the Appellate Administrator/Appellate Board may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the Appellate Administrator/Appellate Board may, upon review of the case, decrease, but not increase, the sanctions imposed by the Conduct Administrator or Student Conduct Board. The Appellate Administrator/Appellate Board may also remand the case for a new review.

In cases involving appeals of violations of the Student Code of Conduct by reporting individuals in sexual and interpersonal violence cases, review of the sanction by the Appellate Board may not result in less severe sanction(s) for the accused student. Instead, following an appeal, the Appellate Board may, upon review of the case, increase, but not decrease, the sanctions imposed by the Student Conduct Board. The Appellate Board may also remand the case for a new review.

When both the accused and the complainant appeal in sexual and interpersonal violence cases, the Appellate Board, upon review of the case, may increase, decrease, or maintain sanctions, as appropriate, or remand the case for a new review.

Except as required to explain new evidence, an appeal shall be limited to review of the verbatim record of the initial review (in Level II cases – Student Conduct Board) and supporting documents for one or more of the following purposes:

1. Incorrect conclusion as to the extent of wrongdoing.
2. Failure of a conduct board/administrative officer to follow College procedural policy.
3. Extremely and unfairly punitive or lenient sanction(s). (In this case, it is necessary to distinguish between severe or mild action, which does not constitute grounds for appeal, and extremely punitive or lenient action, i.e., out of all proportion to the

- misconduct, which occurred.)
4. An appeal may be based on the unfairness of the rule, which was violated, in which case a decision on the appeal is made after the rule itself is reviewed by appropriate College personnel.
 5. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because the person appealing did not know such evidence and/or facts at the time of the original hearing.

Article XI - Interpretation and Revision

A question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students or his/her designee for final determination. The Student Code of Conduct shall be reviewed every two years under the direction of the Dean of Students.

Article XII – Authorization

The Education Law of the State of New York (Section 356) establishes College Council for each unit of the State University of New York with the power to make regulations governing the behavior and conduct of students at each respective campus. This Student Code of Conduct has been reviewed and approved by the College Council of SUNY Geneseo.

Article XIII – Public Order

In addition to the Student Code of Conduct, there is a separate set of conduct regulations entitled the Rules for the Maintenance of Public Order on College Campuses. These rules are implemented in compliance with section 6430 of the Education Law and comprise Part 535 of Title 8 of NYCRR. The College reserves the right to decide on which set of conduct regulations to use in reviewing an allegation of violation.

College Council Approval: October 7, 2011

Transcript Notation amendment Approved by Cabinet: October 2, 2015

Appellate Board amendment Approved by Cabinet November 10, 2015

Conduct proceedings review of materials amendment Approved by Cabinet November 10, 2015