

# **UNIVERSITY STUDENT CONDUCT CODE**

*Approved by the Stony Brook Council. Effective August 1, 2008*

## **ACADEMIC STANDING, ACADEMIC DISHONESTY, AND ACADEMIC DISMISSAL**

Academic Dishonesty. Cases involving undergraduates in the College of Arts and Sciences are handled by the Academic Judiciary Committee, and appeals by Arts and Sciences undergraduates of dismissals from the University on other academic grounds are heard by the Committee on Academic Standing and Appeals. Both of these committees function out of the Office of Undergraduate Academic Affairs (Melville Library, Room 3310). Refer to your Undergraduate Bulletin or call the Office of Undergraduate Studies (632-7080) for information.

Cases relating to academic standing or academic dishonesty involving undergraduates in the College of Engineering and Applied Sciences are heard by the CEAS Committee on Academic Standing and Appeals. Call the College's Undergraduate Student Office (632-8381) for information.

Such cases involving graduate students are under the purview of the Graduate School. Call that office (632-7035) for information. Regarding cases involving students in the School of Professional Development and Continuing Studies (SPD), call the SPD Office (632-7050) for information.

The academic standing of Health Sciences Center students is subject to the policies of the school in which the student is enrolled, and cases of academic dishonesty are also handled by the respective schools. Each school has a committee on academic standing that is advisory to the dean. Appeals of decision of deans are directed to the Vice President for Health Sciences. Detailed policies and procedures for hearings and other matters are provided in the HSC Bulletin.

Scholarly Misconduct. Cases involving allegations of scholarly/scientific misconduct in the course of the University's research programs and activities (whether sponsored or not) are governed by the provisions of the University's Scholarly Misconduct Policy (as mandated by Federal Law). Copies of that policy are available in the following offices: Vice President for Research, Provost, Academic Advising, Academic Judiciary, and the Student Judiciary.

## **UNIVERSITY STUDENT CONDUCT CODE AND CAMPUS POLICIES**

This booklet provides an overview of the rules and regulations governing your behavior at Stony Brook. Regulations make it possible for people to live together and function in an orderly way, protecting the rights of the community while respecting the rights of each individual. You should be able to carry on your daily business safely, peacefully, and productively while you are here; these rules and regulations have been designed to accomplish that goal. For all students, the Student Conduct Code supports compliance with the state and federal laws related to drugs, alcohol, weapons, discrimination, sexual assault or abuse, and racial, sexual, or sexual-preference harassment.

|  | <u>Page</u> |
|--|-------------|
| <b>Table of Contents</b>                                   | 2           |
| <u>University Student Conduct Code</u>                     |             |
| Preamble   | 6           |
| <b>Summary of the Judicial Process</b>                     | 7           |
| I. Definitions   | 7           |
| II. Rules of Student Conduct                               | 9           |
| A. General Campus Regulations                              | 9           |
| 1. Respect for Persons                                     | 9           |
| a. Offenses against persons                                | 9           |
| b. Stalking  | 9           |
| c. Dangerous conditions                                    | 10          |
| d. Interference  | 10          |
| e. Weapons   | 10          |
| f. Discrimination  | 10          |
| g. Hazing  | 10          |
| 2. Sexual Misconduct Policy                                | 10          |
| a. Sexual harassment                                       | 11          |
| b. Sexual abuse and/or assault                             | 11          |
| c. Rape  | 11          |
| 3. Respect for Property                                    | 12          |
| a. Offenses against property                               | 12          |
| b. Unauthorized posting                                    | 12          |
| c. Unauthorized posting (off campus advertising)           | 12          |
| 4. Health & Safety   | 12          |
| 5. Security of Buildings, Facilities and the Campus        | 13          |
| a. Unauthorized keys or access                             | 13          |
| b. Illegal entrance, unauthorized presence                 | 13          |
| c. Restricted areas  | 13          |
| d. Guest responsibility (campus-wide)                      | 13          |
| e. Motor Vehicle/Parking Regulations                       | 13          |
| 6. Integrity of Transactions and Records                   | 14          |
| a. Identification cards                                    | 14          |
| b. False identification                                    | 14          |
| c. False information                                       | 14          |
| d. False testimony   | 14          |
| e. Misrepresentation                                       | 14          |
| f. Misuse of records                                       | 14          |
| g. Misuse of telephone, modem pool, and phone mail systems | 14          |
| h. Unauthorized use of services                            | 14          |

|  |    |
|--|----|
| 7. Responsible Use of Information Technology                                       | 15 |
| 8. Official Directives   | 15 |
| 9. Disruption of University Activities   | 16 |
| 10. Alcohol, Drugs, and Gambling   | 17 |
| a. Alcoholic beverages   | 17 |
| 1. Excessive consumption-bulk containers   | 17 |
| 2. Excessive consumption-student rooms   | 17 |
| b. Zero Tolerance Law  | 17 |
| c. Illegal drug possession, use, sale, and the possession of<br>drug paraphernalia | 18 |
| d. Gambling  | 18 |
| 11. Off-Campus Violations  | 18 |
| 12. Commercial Activities and Solicitation   | 18 |
| 13. Smoke-Free University  | 18 |
| B. Residence Hall and Apartment Regulations  | 18 |
| 1. Occupancy Rules   | 19 |
| 2. Unauthorized Use  | 19 |
| 3. Unauthorized Keys or Access   | 19 |
| 4. Damage  | 19 |
| a. Liability for damages   | 19 |
| b. Multiple liability  | 19 |
| 5. Residential Guest Policy  | 20 |
| a. Permission to remain overnight  | 20 |
| b. Responsibility for residential quarters   | 20 |
| c. Residential guest responsibility  | 20 |
| d. Maximum occupancy   | 20 |
| e. Denial of residential guest privileges  | 20 |
| f. Trespassers   | 20 |
| 6. Safety, Health and Well-Being   | 20 |
| a. Safe conditions   | 21 |
| b. Noise   | 21 |
| c. Appliances  | 21 |
| d. Cooking regulations   | 22 |
| e. Pets and animals  | 22 |
| f. Pest control procedures   | 22 |
| g. Fire Safety   | 22 |
| h. Smoking in Residence Halls  | 22 |
| III. Hearing Process   | 22 |
| A. Prehearing Procedures   | 22 |
| 1. Complaint or Referral   | 22 |

|   |    |
|---|----|
| 2. Investigation                            | 23 |
| 3. Decision to Proceed                      | 23 |
| a. Directive to Appear/Notice of Charges    | 23 |
| b. Disciplinary Counseling                  | 23 |
| 4. Waiver                                   | 23 |
| 5. Case Preparation                         | 23 |
| 6. Evidence                                 | 23 |
| 7. Advisor                                  | 24 |
| 8. Attendance at Hearing                    | 24 |
| 9. Confidentiality                          | 24 |
| <b>B. Hearing Process</b>                   | 24 |
| 1. Hearing Officers/Boards                  | 24 |
| a. Purpose                                  | 24 |
| b. The hearing board pool                   | 24 |
| c. Composition                              | 24 |
| d. Term of service                          | 24 |
| e. Student eligibility                      | 25 |
| f. Training                                 | 25 |
| 2. Hearing Procedures                       | 25 |
| a. Opening                                  | 25 |
| b. Challenge                                | 25 |
| c. Plea                                     | 25 |
| d. Complainant presentation                 | 25 |
| e. Respondent presentation                  | 25 |
| f. Closing statements                       | 25 |
| g. Deliberation                             | 26 |
| h. Decision                                 | 26 |
| i. Determination of sanction                | 26 |
| j. Hearing documents                        | 26 |
| k. Notification                             | 26 |
| l. Enforcement                              | 26 |
| <b>IV. Mediation and Arbitration</b>        | 26 |
| A. Mediation (Dispute, Conflict Resolution) | 26 |
| B. Arbitration                              | 27 |
| <b>V. Disciplinary Sanctions</b>            | 27 |
| A. Determination of Sanctions               | 27 |
| B. Multiple or Repeated Violations          | 27 |

|   |    |
|---|----|
| C. Sanctions Pertaining to All Students   | 27 |
| 1. Verbal warning   | 27 |
| 2. Written warning  | 27 |
| 3. Restitution  | 27 |
| 4. Special Restrictions or Loss of Privileges   | 27 |
| 5. Disciplinary Probation   | 28 |
| 6. Suspension from the University   | 28 |
| 7. Expulsion from the University  | 28 |
| 8. University Service, Educational Projects, and Programs                             | 28 |
| D. Specific Sanctions Pertaining to Residents   | 29 |
| 1. Imposed Reassignment   | 29 |
| 2. Written Warning  | 29 |
| 3. Suspension from the Residence Halls/Apartments                                     | 29 |
| 4. Expulsion from the Residence Halls/Apartments                                      | 29 |
| VI. Exceptional Procedures  | 29 |
| A. Executive Suspension   | 29 |
| B. Suspension from the Residence Halls/Apartments                                     | 30 |
| C. Residence Hall/Apartment Temporary Reassignment and<br>Restriction from Facilities | 30 |
| D. Temporary Restriction from Personal Contact  | 30 |
| E. Withdrawal Prior to Hearing  | 31 |
| VII. Evaluation Procedures  | 31 |
| A. Medical and/or Psychological Evaluation  | 31 |
| B. Withdrawal Prior to Evaluation   | 32 |
| C. Withdrawal by Administrative Action  | 32 |
| D. Return to the University   | 32 |
| E. Application of CODE  | 32 |
| VIII. Appeals   | 33 |
| A. Grounds  | 33 |
| B. Application  | 33 |
| C. Acceptance or Rejection  | 33 |
| D. Appeal Procedure   | 33 |
| E. Appeals Board Composition  | 33 |
| F. Temporary Suspension of Sanction   | 33 |
| G. Appeal Decisions   | 34 |
| H. Notice of Decision and Final Action  | 34 |
| IX. Records   | 34 |

|   |    |
|---|----|
| A. Student Disciplinary Records             | 34 |
| B. Maintenance of Records                   | 34 |
| C. Confidentiality                          | 34 |
| D. Academic Transcript Notation             | 34 |
| X. Amendments and Modification of this CODE | 35 |
| XI. Effective Date                          | 35 |

**University Student Conduct Code**

The following statement of policy and procedure is known as the University Student Conduct Code (“CODE”).

**PREAMBLE**

Conduct appropriate to a student at Stony Brook promotes the individual's own academic pursuits and contributes to meeting the community's educational objectives.

An individual's conduct becomes a proper concern of the University if it adversely affects the academic interest of other members of the University community or the University's pursuit of its educational objectives. It is thus not the purpose of the University regulations to duplicate the public statutes. The University cannot and does not condone violations of law and clearly recognizes that the laws of the land operate in full force on its campus. It also reserves its own special authority for the regulation of conduct that affects its particular interests as an academic community. Violations of Federal or State laws or local ordinances that occur within the jurisdiction of the State University of New York at Stony Brook may be subject to the University judicial process. Ordinarily, the University will not pursue off-campus violations unless such violations are deemed to adversely affect the safety and security of the campus, campus property or individual members of the University community. If violation of law occurs on campus that is also a violation of University regulations, the University may institute proceedings against the offenders. Such action by the University is independent of and may proceed in parallel with civil or criminal action.

Fundamental to the achievement of community among the members of the University is the recognition by all such members that each shares a responsibility to observe University regulations. This obligation, which is an extension of the citizen's responsibility to observe the law of the land, is an essential corollary to participation in the academic rights afforded to members of the University.

University Policy on Parental Notification. As a general rule, violations of this code and the sanctions that may be imposed will not be routinely reported to parents. However, in the case of serious violations of Federal, State or Local law, including alcohol and other drug violations, or when instances of medical/psychological emergencies have come to the University’s attention, the University may notify parents in cases where we believe the student might benefit.

The University finds the following categories of violations of this CODE extremely serious:

1. **Rape, acquaintance (date) rape, sexual assault or sexual abuse.**
2. **Endangering mental or physical health (hazing) as defined in IIA, 1g, and IIA, 9b.**
3. **Physical assaults resulting in injury requiring medical attention.**
4. **Discriminatory or bias-related acts of assault or abuse.**
5. **Brandishing, threatening or injuring with a weapon (for example, knives, firearms, pellet or bb guns, air pistols/rifles, chukka sticks, fireworks or explosives).**
6. **Attempts to set or intentionally setting fires that may result in damage or injury.**
7. **False fire alarms or acts that undermine safety/security equipment or systems.**
8. **Compromising community security, e.g., propping open outside doors, unlocking lounge windows, using windows or balconies to enter and exit buildings, using unauthorized doors for entering or leaving the building.**
9. **Sales or possession of a saleable quantity of illegal drugs as defined by law.**
10. **Violations of the campus alcohol policy that result in injury, damage to property, or undermine the safety and security of the campus.**
11. **Theft of property that exceeds \$1,000 in value and/or intentional damage to property resulting in repair or replacement costs in excess of \$1,000.**
12. **Any unauthorized use of a master or control key.**
13. **Unauthorized use of computing and network facilities.**

For these categories of violations, the sanction will ordinarily be SUSPENSION from the University. In such cases, the Exceptional Procedure of EXECUTIVE SUSPENSION may also be invoked.

The University Student Conduct Code; Policy for On-Campus Sales, Service and Consumption of Alcoholic Beverages; and the Rules of Public Order, (contained in this book,) are not the only rules or regulations governing conduct on this campus. Every student, faculty, and administrator is urged to become familiar with additional rules and regulations, including motor vehicle, parking and smoking regulations, Residence Hall/Apartment Terms of Occupancy; the Student Handbook; membership recruitment policies and procedures in the Fraternity and Sorority Handbook; Academic Dishonesty Regulations as well as the University's Scholarly Misconduct Policy. Academic information and Degree Requirements are printed in University catalogs. All University policies and documents may be accessed through the Stony Brook University Website.

## **Summary of the Judicial Process**

### **I. Definitions**

1. "Complainant". Any member of the University community or visitor to the campus who initiates and/or later presents such complaint to a designated hearing official or body. A University Official may serve as a complainant on behalf of others in enforcing the terms of this CODE.
2. "Respondent". Any University student or resident who is charged with an

- alleged violation of the CODE.
3. "Advisor". The respondent and complainant may each select an advisor of their choice. Advisors for either party to the case may only advise and shall not be permitted to present the complaint/defense or cross-examine witnesses. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated above.
  4. "Hearing Officer". A designated University Official who is authorized to preside over the hearing process and impose sanctions when appropriate.
  5. "President" and "Vice President for Student Affairs" used within this CODE shall be deemed to mean and include any person authorized to exercise the powers of those officials by designation or during a vacancy of their positions or during the absence or disability of the incumbent.
  6. The Vice President for Student Affairs and the Assistant Vice President for Campus Residences, sometimes called herein "VPSA" or "AVPCR", shall designate "University and Residential Hearing Officer(s)" for the purposes of administrative hearings. Both University and Residential Hearing Officers are responsible for carrying out the provisions of the CODE, unless this responsibility is otherwise assigned.
  7. "Level I" violations of the CODE and Alcohol Policy are those for which the sanctions may include one or a combination of one or more of the following: verbal warning, written warning, restitution for State property, imposed reassignment, special restrictions or loss of privileges, disciplinary probation, University or Residential Service Educational Projects and Programs, or suspension from the residence halls/apartments for up to one semester. Level I violations will generally be heard by a University Official.  
"Level II" violations are those for which the sanctions may be, in addition to those listed in Level I, suspension from the residence halls/apartments beyond a semester, or expulsion from the residence halls/apartments. Level II violations will generally be heard by a board composed of faculty, staff and students.  
"Level III" violations are those for which the sanctions may be, in addition to those listed in Level I and Level II, suspension or expulsion from the University. Level III violations will generally be heard by a board composed of faculty, staff and students.
  8. Unless otherwise specified, the term "University Official" shall include faculty or staff members (e.g., Residence Hall Directors, Quad Directors, Quad/Apartment Service Managers, University Police Officers, Security Service Assistants) exercising their assigned duties and may include student staff such as Resident Assistants, Office Assistants, Apartment Building Coordinators, Residential Security Personnel; other students acting in an assigned official capacity on behalf of the University; and other authorized agents of the University, which may include staff of campus-related organizations or University contractors or sub-contractors (e.g. FSA, food-service vendor) when acting in their official capacity.
  9. "Student". Any person who has accepted admittance to the University for student status or who is currently registered or enrolled as an undergraduate or

graduate student or certificate program participant, whether matriculating or non-matriculating, full-time or part-time, resident or commuter, paid or delinquent, or who has a pending appeal of an academic dismissal. Such a person shall also be considered a "student" during intersession/summer periods and University-sponsored commencement events in which he or she is a participant.

10. A "guest" is someone who is visiting a student. A "residential guest" is someone who is visiting a resident, and who is not a contracted resident of the specific room, residence hall, or apartment.
11. "Residential host". Any resident student who has a residential guest in the residence facilities.
12. A "resident" is someone who is properly assigned to a room in a residence hall or on-campus apartment. All residents are subject to the provisions in the CODE.
13. "Staff members" qualified to act on behalf of the University in matters pertaining to conduct in the residence halls or on-campus apartments include the Assistant Vice President for Campus Residences, Directors, Associate and Assistant Directors of Campus Residences, Quad Directors, Quad/Apartment Service Managers, Residence Hall Directors, and student staff including, but not limited to Resident Assistants, Office Assistants, Residential Security, and Apartment Building Coordinators.

## **II. RULES OF STUDENT CONDUCT**

### **A. GENERAL CAMPUS REGULATIONS**

The purposes and ideals of the University - learning and the creation, discovery and application of new knowledge - depend for their full achievement on the integrity of the members of the community, their cooperation, and their mutual respect.

#### **1. Respect for Persons**

Treating people with respect means acting always in a manner that enhances the safety, freedom and well-being of others. The nature and history of the relationship between the parties involved in alleged violations of this CODE shall in no way diminish the seriousness of incidents. The following violations of this CODE are specifically prohibited.

- a. Offenses against persons. No student shall threaten, assault, haze or otherwise physically, psychologically, verbally, or in writing by electronic means or otherwise, abuse any other person. This includes but is not limited to, incidents of bias-related acts of assault or abuse, or any incidents of verbal, written, physical, psychological harassment or abuse. No student shall post or distribute disparaging or compromising images of another, altered or otherwise or post denigrating text on but not limited to the following modes: internet websites or newspapers, without the express consent/authorization of the other individual.
- b. Stalking. No student shall perform any acts that harass, annoy, threaten,

- intimidate or alarm another person or persons. Examples include but are not limited to repeatedly following such person(s); repeatedly committing acts that alarm or seriously annoy such other person(s) and that serve no legitimate purpose; and repeatedly communicating by mechanical or electronic means, or any form of written communication with such person(s) in a manner likely to harass, intimidate, annoy or alarm.
- c. Dangerous conditions. No student shall create a condition that endangers or threatens the safety or well-being of him/her or others. This includes but is not limited to the misuse of devices such as box cutters, laser pointers and paint ball guns.
  - d. Interference. No student shall interfere with the right of any person to go where they have a right to go or remain where they have a right to remain on University property. No student shall intentionally prevent any person from doing anything they have a right to do, or require any person to do anything they have a right to refrain from doing.
  - e. Weapons. No student shall possess or introduce to the campus dangerous weapons including, but not limited to: knives, switch-blades, swords, bows, chukka sticks, pellet guns, bb guns, air pistols, rifles, firearms, fireworks, other explosives and items used as weapons in threats or actual acts of violence. Any knives used for cooking purposes must be kept clean and stored away. No knives should be visible in any bedroom or common room.
  - f. Discrimination. No student shall violate the rights of or deny the privileges of the University community to another person for reasons of race, color, sex, age, ethnicity, religion, national origin, sexual orientation, disability, marital status, or status as a disabled or Vietnam-era veteran or other rights and privileges as may be protected under Federal, State or Local law.
  - g. Hazing. Whether by omission or commission, no student shall take any action, or create, or participate in the creation of any situation that recklessly or intentionally endangers another person's psychological, mental, or physical health or that involves the forced or expected consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. Examples of hazing activities include, but are not limited to: paddling, branding, tattooing, shaving of hair, or other physical abuse or brutality; activities that involve excessive fatigue and/or stress; verbal and/or psychological abuse that compromises the dignity of any individual. Hazing conduct may result in charges and arrest under the New York State Penal Law, and charges under this CODE, which can lead to suspension or expulsion from the University.

## **2. Sexual Misconduct Policy**

The University considers the following violations of the CODE as extremely serious. If a violation occurs, the sanction will ordinarily be SUSPENSION from the University. In such cases, the Exceptional Procedure of EXECUTIVE SUSPENSION may also be invoked.

- a. **Sexual Harassment.** No student shall participate in creating an environment that is sexually intimidating, abusive, hostile or offensive to others. This includes, but is not limited to, unwelcome sexual reference or gestures, sexual exploitation, sexual comments, teasing; sexual slurs, derogatory statements, or other verbal abuse; graphic or sexually suggestive comments about an individual's attire or body; inquiries or discussions about sexual activities; sexually suggestive letters or other written materials; sexual touching, brushing up against another in a sexual manner, graphic or sexually suggestive gestures, cornering, pinching, grabbing, kissing, or fondling.
- b. **Sexual abuse and/or assault.** No student shall engage in sexual contact with another person without consent.\* This includes but is not limited to nonconsensual sexual contact, attempted non-consensual penetration, attempted nonconsensual anal intercourse, oral sex, or the insertion of a foreign object into the vagina, urethra, penis, or rectum of another. In addition no student shall engage in nonconsensual physical assault during a consensual sexual contact, such as punching, choking, burning or otherwise intentionally causing serious physical harm without consent of a partner.
- c. **Rape.** No student shall engage in sexual intercourse with another without that individual's consent.\* If intercourse takes place without consent, it is considered rape. If an individual says "no," regardless of the circumstances, it is not a matter for interpretation. "No" means NO. Sexual intercourse following a spoken "no," or any other expression of refusal, even without further resistance of any kind by the individual, is rape.

**\*Consent cannot be given if an individual is under the age of 17, physically helpless, mentally incapacitated, impaired and/or incapacitated because of drug or alcohol intoxication. If a person is unconscious or their judgment is impaired by alcohol or drugs, they cannot give consent. The offender is responsible for their actions no matter how intoxicated they themselves may be. Consent is the agreement to engage in specific sexual contact; this may be given by verbal agreement or active and willing participation in the sexual activity. Silence, previous sexual relationships, current relationships, or the use of alcohol and/or drugs cannot be taken as an indication of consent. The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity implies lack of consent. Although consent may be initially given, it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness. Failure to respond promptly to a withdrawal of consent constitutes sexual assault.**

### **Resolving Complaints of Sexual Misconduct**

Complaints of Sexual Misconduct shall be received, investigated and adjudicated pursuant to the Stony Brook University Judicial Procedures. The Office of Judicial Affairs and/or Community Standards Office, after consultation with the complainant, shall determine which procedures shall be applied to receive, investigate and adjudicate the complaint. The prior sexual experiences of the alleged victim of a sexual assault will

not be considered in the determination of responsibility to a charge of any sexual assault violation.

### **3. Respect for Property**

Respect for property means recognizing not only the ownership rights of persons and of the University, but also the dependence of all on the availability and preservation of necessary facilities and equipment.

- a. Offenses against property. No student shall take, possess, damage, litter or deface (with graffiti, graffiti instruments, or otherwise) any property not his or her own on the University campus or on any University property. This includes, but is not limited to, University furniture, computer equipment, access control systems or facilities. Any costs to repair, replace, restore, or clean University property to its original condition will be assessed to individuals and/or groups responsible for damaging, or defacing such property in addition to any sanctions which may be imposed.
- b. Unauthorized posting. Members of the campus community may, upon receiving University authorization, advertise on-campus events on designated bulletin boards and posting areas. Notices may not be placed on automobiles, windows, doors, wood, brick, concrete, asphalt or painted surfaces. The event sponsors must remove advertising within two business days following the event and are responsible for any damages incurred in the process. Additional restrictions for advertising in the Stony Brook Union, Student Activities Center, and the residence halls and apartments may apply.
- c. Unauthorized posting (off campus commercial advertising). Unauthorized posting or distribution of solicitations, advertisements or other material on campus is prohibited. Students may be the subject of disciplinary action for such violations even in cases in which such students are acting on behalf of a third party (i.e., an employer and/or off campus business).

### **4. Health and Safety**

Students shall comply with all environmental, health, and safety requirements, including the University Safety Manual, and fire safety regulations.

- a. Students shall not engage in any activity or behavior that creates a threat to the safety and well-being of themselves, the environment, or others.
- b. Students shall not set fires, attempt to set fires, or act in a manner that disregards fire safety rules and results in a fire.
- c. No student shall set off false fire alarms, shoot off fire extinguishers; or damage, tamper with, dismantle, or disconnect fire safety systems or equipment on the campus.
- d. Students must evacuate any University facility (residence hall, academic building, library, etc) when the fire alarm is activated.
- e. Immunization Requirements. All students are required to comply with all New York State public health laws. This includes the NY State immunization requirements for measles, mumps, and rubella, and the requirement to verify that information about whether or not to receive meningococcal vaccine has been received and read. Consequences for failing to comply are:

- \* Deregistration from classes
- \* Loss of early registration status
- \* Removal from campus including cancellation of campus housing
- \* Loss of financial aid

## **5. Security of Buildings, Facilities, the Campus, and Motor Vehicle/Parking Regulations**

Students may enter and use all campus buildings and areas for the purposes assigned to these facilities and places. Exceptions to this rule may be made in the interests of safety, personal use and privacy, protection of valuable materials and equipment or to regulate access according to the hours that are normal for their assigned functions. When buildings or spaces within them are officially closed or restricted, limited access applies to all students unless specifically excepted.

- a. Unauthorized keys or access. No student shall transfer, duplicate, use or possess any I.D. Badge/Proximity Card, key card or combination to a University building that he/she is not specifically authorized to use or possess.
- b. Illegal entrance or unauthorized presence. No student shall break into or enter without authority any University building, room or facility; nor shall any student enter, or remain in any private room or office of any student, faculty member, administrative officer, or other person on University property without the express or implied permission of any person or persons authorized to use that office or live in that room; nor shall any unauthorized student enter or remain in any University building or facility at a time when that facility is officially closed.
- c. Restricted areas. No student shall enter into or upon any restricted area; nor shall any student assist or make possible the unauthorized entry of any person into any restricted area. Restricted areas include but are not limited to tunnels, roofs, fountains and monuments, posted or enclosed construction sites and secured utility areas.
- d. Guest responsibility (campus-wide). When a student has a guest on the campus, the student assumes responsibility for the conduct of that guest. Guests shall adhere to all campus policies including, but not limited to, the Rules of Public Order, the University Student Conduct Code, alcohol and drug policies, building/facility guest policies, and motor vehicle/parking regulations.
- e. Motor Vehicle/Parking regulations. No student shall display, alter, manufacture, transfer, use, or possess handicap, faculty/staff, resident, commuter, state, service/emergency vehicle parking permits they are not authorized to possess, i.e., that were found, issued to another person, or stolen. Nor shall students be permitted to park their motor vehicle in any designated handicap parking space without a valid and visible handicap plate, permit or decal. In addition to motor vehicle/parking regulation fines levied on the campus, repeat offenders of campus motor vehicle/parking regulations may be asked to remove their vehicle(s) from the campus for a period of time or permanently. Course registration may also be blocked until University motor vehicle/parking regulation fines are paid and/or University Service assigned as a result of a violation of this section is completed.

Students must show a valid Stony Brook University ID when attempting to enter the

campus after 11:00 p.m. If students are expecting guests to arrive after 11:00 p.m., they must notify University Police, Main Gate, at 632-9615. They must provide the name of the expected guest and their destinations. The guest must have a photo ID to present to the officer at the main gate to gain entry to campus. Entry may be denied to any guest not following these instructions.

## **6. Integrity of Transactions and Records**

Respect for learning and knowledge means respect for personal integrity, both toward individuals and toward formal processes which record, reflect and enable the University's functions.

- a. Identification cards. Students are required to carry and present valid University identification when requested to do so by authorized University Officials.
- b. False identification. No student shall materially alter or forge any identification card or other document evidencing identification, including identification presented to show proof of age. A violation of this section shall result in a confiscation of such identification card and referral to the appropriate issuing agency or governmental authority.
- c. False information. No student shall give false or misleading information during any part of a judicial process or when completing documents issued by or used by the University for Official Functions or activities. No student shall give false or misleading information that could damage or discredit another person.
- d. False testimony. No person shall give false testimony in matters related to the CODE. Violations of this regulation will result in sanctions up to suspension from the University for students, and appropriate disciplinary actions for non-students.
- e. Misrepresentation. No student shall represent him/herself falsely, in writing or otherwise, nor shall a student assist another in doing so.
- f. Misuse of records. No student shall access, search, copy, steal, forge, or alter University records, documents or other materials or possess such altered, forged or stolen University records, documents or other materials without authorization.
- g. Misuse of telephone, modem pool, phone mail, data transmission devices and computer systems. Misuse of the telephone, modem pool, phone mail, data transmission devices and computer systems for the purpose of hacking, committing fraud, slander, libel, harassment, theft of services, or invasion of privacy, is prohibited and is a crime under State and Federal statutes and a serious violation of the CODE. Such violations include, but are not limited to: use of the telephone and its features to make harassing, obscene or threatening calls to anyone on or off campus; unauthorized use or alteration of the system's hardware, software, or passwords; obtaining and/or using personal telephone authorization codes other than one's own; unauthorized use of private modems on campus to access campus databases via the incoming modem pool; access to any campus data group from either a campus phone or via the modem pool without an authorized account; accessing another's phone mail box without authorization; accessing another's phone mail box to listen to messages and/or to alter the user's setup, such as a greeting, password, etc.
- h. Unauthorized use of services. No student shall take or use any services without authorization.

## **7. Responsible Use of Information Technology**

Access to modern information technology is essential to the State University of New York at Stony Brook's mission of providing the students with educational services of the highest quality. It is in this framework that students understand and comply with rules of conduct for computing and networking that permit all students to fully utilize this valuable resource. The use of the University's information technology resources to receive or distribute copyrighted material without proper authorization from the copyright holder is strictly prohibited. This includes but is not limited to the sharing of copyrighted music, videos, etc.

- a. Students are not permitted to establish servers on non-university owned machines using campus facilities.
- b. No user shall view, copy, alter or destroy another's personal electronic files without permission.
- c. Software that resides on Stony Brook computing network(s) is licensed by the University, or third parties, and is protected by copyright and other laws, together with licenses and other contractual agreements. Users are required to respect and abide by the terms and conditions of software use and redistribution licenses.
- d. No user may, under any circumstances, use campus computers or networks to harass or defame (slander, libel, etc.) any other person.
- e. Computer accounts, passwords, and other types of authorization are assigned to individual users and should not be shared with others. Students are responsible for any use of their account(s). If an account is shared or the password divulged, the holder of the account may lose all account privileges and be held personally responsible for any actions that arise from the misuse of the account.
- f. Permitting unauthorized access: Students shall not run, operate or otherwise configure software or hardware to intentionally allow access by unauthorized users.
- g. The deliberate attempt to degrade or compromise in any manner the performance of a computer system or network or to deprive authorized personnel of resources or access to any Stony Brook computer or network is prohibited. Breach of security includes, but is not limited to: configuring software or hardware to intentionally allow access by unauthorized users, creating or knowingly propagating viruses, hacking, password cracking, unauthorized monitoring of electronic communications, or unauthorized viewing of other's files.
- h. Abuse of campus computer resources is prohibited and includes, but is not limited to: propagating chain letters, posting a message to multiple list servers, distribution lists, or news groups with the intention of reaching as many users as possible, and the use of computing and networking resources of campus for commercial purposes.

For additional information consult:

<http://naples.cc.sunysb.edu/Admin/policy.nsf/pages/P109>

## **8. Official Directives**

Within the University, authority is delegated specifically to some individuals and some

official bodies to direct the action of other members of the University, in fulfillment of legitimate purposes and functions of the institution. Students shall comply with the directives of University Officials (Paragraph 8 under “Definitions”) exercising assigned duties. Students may appeal to the Vice President for Student Affairs or designee or the Assistant Vice President for Campus Residences or designee, (if the directive was issued by a Campus Residences staff member) for a rescission of any official directive, but they must be in compliance with the directive at the time of appealing it.

## 9. Disruption of University Activities

- a. No student shall obstruct, impede or disrupt any educational, research, administrative, social or recreational activity of the University; nor shall any student create a nuisance to members or guests of the University community.
- b. In the case of an organization or individual that allows hazing (examples include, but are not limited to: clubs, organizations, fraternities, sororities, intramural sports, sport clubs, intercollegiate teams) there will be a rescission of permission for that organization to operate on campus property and/or to conduct new member pledge or intake programs.
  1. Students who are members of fraternities, sororities or other campus organizations whose campus recognition has been withdrawn or suspended, either temporarily or permanently, **may not participate as a representative of that organization** in any campus activity or event, i.e., Rush/Recruitment, Intake/Pledge Activities, Intercollegiate Athletics, sport clubs, intramural sports, Inter Fraternity & Sorority Council, campus committees, talent shows, contests, or community service projects.
  2. Unrecognized organizations<sup>1</sup> may not use the University name, logo, equipment, or facilities. Student recruitment and/or related activities by an unrecognized organization may not take place, nor may University students take part in recruitment and/or related activities on behalf of any alter ego organization used to veil or disguise the activities of an unrecognized organization. Students may not join fraternities, sororities or other campus organizations whose campus recognition has been withdrawn or suspended, either temporarily or permanently.
  3. Any violation of this policy may result in individual and/or group sanctions, such as the extension of the current suspension; suspension or permanent expulsion of individual(s) from the University, and/or the suspension or permanent expulsion of the organization from future campus recognition. Individuals or groups may be required to attend mandatory educational programs. For additional information, see Student Handbook's "Hazing" section, the University Student Conduct Code, the Relationship Statement Between the State University of New York at Stony Brook and (It's Affiliated) Fraternities and Sororities, and the Student-Athlete Handbook.
- c. Students bringing beepers, cell phones or other communication devices into a (1) class, (2) university event, or into (3) quiet places on campus must turn off the audible signal prior to entering. If a student feels that he or she must use an item that might disrupt class, the student must discuss the matter with the instructor

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<sup>1</sup> Please refer to the Fraternity & Sorority Life Relationship Statement

and come to an agreement regarding the use of the item before using it in class. University policy also prohibits bringing electronic communication devices, such as palm pilots, into course examinations. See the Academic Judiciary brochure and the University Bulletin.

## **10. Alcohol, Drugs and Gambling**

The University recognizes all Federal, New York State and Local laws and expects students to adhere to them. Specifically, the University puts students on notice that its campus offers no haven from the violation of applicable Local, State or Federal law.

- a. Alcoholic beverages. New York State Law and the Policy for On-Campus Sales, Service and Consumption of Alcoholic Beverages prohibit the sale, giving and serving of alcoholic beverages to those under the age of 21, and their guests, even if the guest is over the age of 21. Campus Alcohol Policy prohibits the possession and consumption of alcoholic beverages by those under the age of 21. The unauthorized consumption of alcohol or unauthorized possession of an open container of alcohol or public intoxication is prohibited. All students, residents and guests must comply with the Policy for On-Campus Sales, Service and Consumption of Alcoholic Beverages. Copies of the Campus Alcohol Policy are available in the Department of Student Union and Activities, Division of Campus Residences, and the Office of the Vice President for Student Affairs, Executive Area and the Stony Brook University website.
  1. Excessive consumption-bulk containers. To discourage excessive consumption of alcoholic beverages in the residence halls and apartments, bulk containers of alcohol larger than one gallon (e.g., kegs, beer balls, punch bowls, bottles, draft containers of wine, etc.) are prohibited in all residence halls and apartments and the grounds surrounding the residence halls and apartments.
  2. Excessive consumption-student rooms. To discourage excessive consumption, large quantities of beer, wine, or hard liquor, are prohibited in student rooms. No individual student may possess in their room more than six (6) 12 oz. bottles/cans of beer **OR** ½ gallon of wine **OR** .5 or ½ liter of spirits at one time, providing the authorized occupants of the room are 21 and over.
  3. Alcohol (beer, wine, liquor or spirits) should not be stored in common areas of apartment or suite unless all residents are over 21 years of age. If the suite or apartment residents are of mixed ages including over 21 and under 21, then all alcohol must be stored in the legal drinkers' bedroom and cannot exceed the allotted amount. Any resident over 21 years of age who wishes to drink in the common area of the suite or apartment can only have one (1) can/bottle of beer **or** glass of wine **or** mixed drink at a time.
  4. Items and paraphernalia the encourage excessive consumption of alcohol, including but not limited to funnels, beer helmets, beer pong tables, are prohibited in all residence halls and apartments.
- b. Zero Tolerance Law. Section 1192-a. Operating a vehicle after having consumed alcohol; under the age of 21; per se. (Effective November 1, 1996, S5960, Chapter 196 of the Laws of 1996).

No person under the age of 21 shall operate a motor vehicle after having consumed alcohol as defined in this section. For purposes of this section, a person under the age of 21 is deemed to have consumed alcohol only if such person has .02 of one per centum or more but not more than .07 of one per centum by weight of alcohol in the person's blood, as shown by chemical analysis of such person's blood, breath, urine, or saliva, made pursuant to the provisions of section 1194 of this article.

- c. Illegal drug possession, use, sale and the possession of drug paraphernalia. No student shall possess, use or sell substances defined by New York State or Federal Law as illegal. No student shall possess substances defined as controlled, other than personally prescribed medications, by New York State and/or Federal Law. No student shall introduce to the campus or possess drug paraphernalia including, but not limited to: bongs, water pipes, roach clips, blunts or hypodermic needles (not specifically for the administering of prescribed medications).
- d. Gambling. No student shall gamble for money or other valuables on University property or in any University facility except as part of an authorized fundraising activity.

#### **11. Off-Campus Violations**

This CODE may be applied to off-campus violations when students are participating in University-sanctioned activities, such as sporting events, field trips, conferences, or are exercising privileges granted to Stony Brook students.

#### **12. Commercial Activities and Solicitation**

The University prohibits the operation of commercial enterprises on campus. Exceptions are made for specific, controlled enterprises that contribute to the convenience and well-being of University members and that conform to established regulations.

No student may engage in commercial activities/solicitation without clearance from a duly authorized University Official (i.e. Vice President for Administration or designee).

#### **13. Smoke-Free University**

University Policy P112 establishes a "Smoke-Free University" that prohibits smoking in all buildings, in enclosed areas and at certain outdoor locations. As of July 2007, all SUNY campus residence halls and apartment complexes are smoke free. Any resident or guest who wishes to smoke should vacate the building and smoke at least 15 feet from the perimeter of the building. Residence Hall staff will address any suspicion of smoking in the residence halls or apartment complexes and proceed with judicial action if deemed necessary.

### **B. RESIDENCE HALL AND APARTMENT REGULATIONS**

Residence halls and campus apartments offer students the advantage of convenience of location for academic pursuits and the advantage of participation in a peer community. The University sets certain limits on occupancy and establishes regulations to preserve the facilities and promote safety and health. By University policy, residents are

responsible for maintaining good order in the residential facilities.

### **1. Occupancy Rules**

Students residing in University residence hall facilities, including the Undergraduate Apartments, Schomburg Graduate Apartments, and Chapin Apartments shall be subject to the terms, regulations and expectations of the Campus Residences Terms of Occupancy. The provisions set forth in the Terms of Occupancy are incorporated into and operate in concert with the terms of the CODE. Disciplinary action may be initiated under the CODE against residents violating such provisions. The Terms of Occupancy are available on line at <http://studentaffairs.stonybrook.edu/handbook/index.html>.

### **2. Unauthorized Use**

- a. Residents who remain in a residence hall beyond the official closing date of a semester, unless receiving authorization from the Assistant Vice President for Campus Residences or designee, are considered unauthorized occupants and shall be subject to a minimum daily charge during the entire period of improper occupancy and may also be subject to the initiation of appropriate disciplinary action.
- b. Unless so permitted by the Assistant Vice President for Campus Residences or designee, non-sleeping facilities in the residence halls or apartments such as suite or apartment living areas, end hall lounges or other areas in buildings shall not be used for sleeping quarters.

### **3. Unauthorized Keys or Access**

No student shall duplicate, loan, or transfer possession of any I.D. Badge/Proximity Card, key or key card (i.e., bedroom, suite room, specialty area, exterior door, etc.) or disclose or change a combination to any residence hall facility or room. Students may only use I.D. Badge/Proximity Card, keys, key cards and combinations for spaces they are authorized to enter by the Assistant Vice President for Campus Residences or designee. The University considers the unauthorized possession, use, duplication, or transfer of master or control keys to be extremely serious and the sanction for this category of violation will ordinarily be suspension from the residence halls/apartments.

### **4. Damage**

Resident responsibility does not end with respect for current roommates, suitemates, apartmentmates and other building residents. The furniture and other facilities of the University must be kept in good condition for use by future residents.

- a. Liability for damages. Each person assigned residency in a residence hall or apartment shall be held responsible for any damage to their assigned room or quarters or to the furniture, fixtures, equipment and effects contained therein and for any damage caused by them to any other part of the premises or attendant facilities.
- b. Multiple liability. In the event that two or more persons occupy the same room or quarters, and it cannot be ascertained which is responsible for the damage therein; the assessment shall be made against both, jointly and equally.

## **5. Residential Guest Policy**

The purpose of the guest policy is to allow residents to host residential guests in a responsible manner. The rights and property of other residents, including roommates and suitemates, apartment mates, and the University must be protected from unwanted, unpermitted intrusions and potential vandalism.

- a. Permission to remain overnight. A residential guest may only remain overnight in a room, suite or apartment if they have the written permission of all the assigned occupants of the room, suite, or apartment. All residential guests must sign in according to established procedures at the registration desk when it is operational. Residential guests may remain overnight for no more than three (3) nights in a seven (7) day period. The residential host of a residential guest must obtain a guest pass according to established procedures. Permission for extended visits must be obtained from the Residence Hall Director or Assistant Director of University Apartments.
- b. Responsibility for residential quarters. When a residential host has a residential guest, he/she assumes responsibility for the conduct of that residential guest in the residential facilities. This responsibility may include referral for alleged violations of the CODE and/or Terms of Occupancy, and/or liability for the payment of repair costs for damage caused by such residential guests. The privilege to serve as a residential host to residential guests may be restricted as part of a sanction imposed pursuant to this CODE.
- c. Residential guest responsibility. Each residential guest must have a residential host and/or be escorted while in the residence halls or apartments. Residential guests are required to carry their guest passes at all times. Residential guests may not possess their residential host's Badge/Proximity Card, keys, access cards or combinations. Residential guests are expected to comply with all applicable provisions of federal and state law, University regulations and this CODE.
- d. Maximum occupancy. Maximum occupancy will be in accordance with established New York State fire codes and Campus Residences Terms of Occupancy.
- e. Denial of residential guest privileges. A residential guest may be denied permission to visit or to be a residential guest in the future by the Residence Hall Director, Quad Director, or Assistant Director for Apartment Living or the Division of Campus Residences. Such action shall be taken when a staff member assesses that the residential guest may pose a potential threat to students and/or the University.
- f. Trespassers. Any person living in University housing in violation of the residential guest policy shall be considered a trespasser. Trespassers and/or hosts shall be subject to a minimum daily charge during the entire period of improper occupancy, and the initiation of appropriate disciplinary or criminal action.

## **6. Safety, Health and Well-Being**

Safety and health regulations are maintained by the University for the protection of the entire community. Additional regulations are found in the University Safety Manual (accessed online through SBNEWS and copies available through the Department of

Environmental Health and Safety), Residence Hall and/or Apartment Terms of Occupancy, and the Campus Residences Guide and Calendar and are subject to the same procedures as regulations in the CODE.

- a. Safe conditions. No person shall create a safety or health hazard within and around any residence hall or apartment. Examples of prohibited behavior include, but are not limited to:
  - compromising community security, e.g., propping open outside doors, unlocking lounge windows, using windows or balconies to enter and exit buildings, using unauthorized doors for entering or leaving the building;
  - accumulating excessive garbage or filth;
  - changing electrical wiring;
  - using or installing air conditioners (except in approved locations);
  - using or installing antennae;
  - throwing, pushing objects off windows or balconies;
  - using weights/weight benches in student bedrooms/suites and apartments;
  - game playing within interior public areas of residence hall facilities including, but not limited to: floor hockey, basketball, football, hacky-sac, etc;
  - placing mopeds or motorcycles inside residential facilities;
  - parking vehicles within 25 feet of exterior of residential facilities (unless a designated parking area) and/or near entrances and exits;
  - parking or driving vehicles on lawns, walkways, interior quad areas around residence hall facilities.
  - There is a maximum of three (3) people permitted on the balconies at any time. The following items and behaviors are not permitted on residence hall balconies:
    - Storage or use of University furniture
    - Storage of flammable items including but not limited to garbage, recyclable materials, paper, cardboard, etc.
    - The drying of clothing, bath towels, and bedding.
    - The storage or use of any outdoor cooking appliance including but not limited to gas, electric, and charcoal grills.
    - Smoking on balconies is not permitted.
- b. Noise. All residents are expected to respect one another's study and sleep needs within living spaces, including bedrooms. Any disruption or violation of established quiet hours or as published from time to time by the Division of Campus Residences or any noise-producing activity, including any amplified sound equipment, that can be heard beyond bedrooms/suite rooms or apartments is prohibited.
- c. Appliances. In meal plan suites/buildings only the following appliances are authorized: electric hot air popcorn poppers, hot pots and coffeemakers that are UL (Underwriters Laboratories) approved. Unless supplied by the University, microwaves are prohibited in all residence halls. Irons are permitted provided the iron has an automatic shut off and an ironing board with a fire resistant cover must be used. See g. for additional restrictions.

- d. Cooking regulations. Cooking in meal plan residence halls is permitted only in designated areas. Students shall utilize stove vents that are available and shall not leave stoves unattended while cooking.
- e. Pets and animals. No unauthorized person shall have or allow dogs, cats or any other animals in the residential facilities. Reasonable accommodations according to the Americans with Disabilities Act will be made for a documented disability.
- f. Pest control procedures. All residents shall comply with University pest control procedures and are expected to maintain the cleanliness of their room to prevent pest infestations. Residents must not remove or tamper with any pest control device placed by the University. The use or application of any pesticide or pest control product, by an unlicensed exterminator is strictly prohibited.
- g. Fire Safety. All students must immediately evacuate during a fire alarm. Students shall not create open flames or conditions that cause a fire hazard or impede the safe evacuation of others, such conditions include, but are not limited to:
  - setting off false fire alarms
  - using torch style halogen lamps; halogen desk/bed lamps with clips and multi plug air fresheners.
  - using candles, burning incense or other flammable items;
  - cooking in non-cooking residence halls;
  - possessing the following electric appliances: toaster ovens, hot plates, microwaves, space heaters, or any open-faced electrical appliance. These devices may be confiscated.
  - overloading outlets or using extension cords (UL approved string lights and power strips with surge protectors are permitted.)
  - smoking in non-smoking areas (see section IIA, 12)
  - installing lofts/beds without the approval of the Department of Campus Residences and the Department of Environmental Health & Safety;
  - blocking or propping open exit doors;
  - inappropriate discharging of fire extinguishers, or damage, tamper with, dismantles, or disconnects fire safety systems or equipment.
- h. Smoking in Residence Halls. Smoking in residence halls is prohibited unless written approval is granted in accordance with University Policy P112 and the Division of Campus Residences procedures.

### **III. Hearing Process**

#### **A. Prehearing Procedures**

All alleged violations of the CODE will be reviewed in accordance with the hearing procedures outlined below.

##### **1. Complaint or Referral**

Any member of the University community (student, staff or faculty) may make a complaint and/or referral or offer information concerning such complaint and/or referral to the appropriate office (i.e. Student Judiciary, Dean of Students, Division of Campus

Residences, University Police). A complaint or referral made against a student or students, alleging violation(s) of the Student Conduct Code, and/or Alcohol Policy, shall be directed to a University Official. In an appropriate case, a University Official may act as a complainant on behalf of others in enforcing the terms of this CODE. Alleged violations involving resident students within or around campus residence facilities will generally be referred to the Division of Campus Residences. All others shall be referred to the Office of Student Judiciary. In order to facilitate a timely investigation and processing of complaints, referrals must be made within thirty (30) days following the date of the incident giving rise to the complaint. Exceptions may be made in extraordinary cases as deemed appropriate by the University Official assigned to conduct the prehearing investigation.

## **2. Investigation**

A representative from the Division of Student Affairs (University Official) shall investigate and determine whether further action is necessary. The investigation includes interviews and requests for written statements from the parties and witnesses (complainants/respondents/witnesses). If the respondent fails to respond to one written request for an interview, the University Official may proceed with a review of the evidence and information.

## **3. Decision to Proceed**

If in the judgment of the University Official, sufficient evidence warrants further action; such official shall initiate one of the following procedures:

- a. Directive to Appear/Notice of Charges. The student charged with an alleged violation of the CODE will be provided written notice of charges and will be required either to meet with a University Official for disciplinary counseling or attend a hearing on the date cited in the notice. The hearing shall be scheduled for no less than ten (10) days from the date of the notice
- b. Disciplinary Counseling. Disciplinary Counseling is a meeting between a student involved in an alleged violation of the CODE and a University Official. In some cases, the meeting may resolve the matter and sanctions will be imposed.

## **4. Waiver**

Following receipt of a notice of charges, a student may elect not to contest the charges and to accept responsibility for them. If this election is made, the student must sign a waiver of the right to a hearing, and must accept the sanction imposed by the University Official. The decision to waive a hearing and accept the sanction is final and not appealable.

## **5. Case Preparation**

A University Official informs the complainant(s) and respondent(s) of the rights and responsibilities they will have in the scheduled hearing.

## **6. Evidence**

Evidence to be presented by complainant(s) and respondent(s) during any hearing on the charges must be shared with the opposing party at least forty-eight (48) hours in advance

of the scheduled hearing. The University Official presiding at and/or hearing the case may exclude evidence that has not been shared or adjourn the hearing to afford all parties the opportunity to review evidence to be presented during the hearing. The University Official presiding at and/or hearing the case will make the final decision relating to the admissibility of all evidence. Hearsay evidence, including written statements, may be considered. First hand oral testimony subject to cross examination will be given greater weight than hearsay evidence. A finding of responsibility as to each of the charges must be supported by a preponderance of the evidence. The burden of presenting such evidence rests with the complainant(s). The prior disciplinary record of the respondent(s), if any, shall not be considered until a finding of responsibility has been made and such record will be relevant only to a determination of the appropriate sanction. (See "Determination of Sanctions" at Section V.) Written statements from character witnesses are permitted into the hearing.

#### **7. Advisor**

The complainant(s) and respondent(s) may appear at the hearing with an advisor of their choice. The role of the advisor is to assist these parties, but not to engage in any verbal presentation or questioning. Attorneys may serve as advisors to the parties subject to the same conditions and restrictions.

#### **8. Attendance at Hearing**

Those in attendance should include the complainant(s), respondent(s), their advisors, and witnesses (while giving testimony), the presiding University Official and Board (when assigned). A University observer may be present. The presiding University Official shall determine whether additional persons may be present.

#### **9. Confidentiality**

In order to protect the confidentiality of the process, hearings shall be closed to members of the campus community and to the public.

### **B. Hearing Process**

#### **1. Hearing Officers/Boards**

- a. Purpose. Hearing boards are established for the purpose of hearing charges of violations of the rules set forth in this CODE.
- b. The Hearing Board Pool. A hearing board pool shall be selected from members of the University community (students, faculty, and staff).
- c. Composition. Members of the hearing boards are selected from the hearing board pool. For Level I violations, a designated University Official may recommend a case be heard by a student hearing board. Level II & III violations require a combined hearing board composed of three to five students, faculty and staff from the hearing board pool. During intersession or summer sessions or other periods when students, faculty or staff are not available, hearing board composition may be adjusted as necessary.
- d. Term of service. Students shall serve in the student hearing board pool for at least one academic year and may continue to serve at the discretion of the Vice

- President for Student Affairs (designee) or the Assistant Vice President for Campus Residences (designee).
- e. Student eligibility. All students, full or part time, shall be eligible for recruitment as hearing board members provided they have maintained a 2.25 cumulative grade point average, are not currently on disciplinary probation and have not been suspended from the residence halls or the University.
  - f. Training. All members of the Student Hearing Board Pool, upon receiving notice of appointment, shall be given necessary information about their responsibilities and the means for carrying them out.

## **2. Hearing Procedures**

Hearings provide the forum where parties to an allegation are afforded the opportunity to present information for review by either a University Official or a hearing board presided over by a University Official. In the event a respondent has received notice of a hearing and elects not to appear, the hearing shall proceed in their absence and a determination of responsibility shall be made and sanctions imposed. The hearing procedures generally include the following basic steps:

- a. Opening. The presiding University Official states the alleged charges and identifies parties, advisors and witnesses.
- b. Challenge. Hearing board members who feel they cannot fairly serve shall be excused. Any party may request and cite cause for the removal of any member of the Board. The Hearing Officer will determine whether the cited cause warrants removal.
- c. Plea. The respondent(s) are asked to state a plea (i.e., responsible, or not responsible) to each of the alleged violations.
- d. Complainant presentation. Complainant presentation begins with an opening statement describing the alleged violation(s). Material or documentary evidence to be submitted by complainant(s) will be provided to a University Official or Hearing Board. The respondent(s), then the presiding University Official or hearing board members, may question the complainant regarding the opening statement and evidence. Complainant's witnesses individually present oral statements. The complainant, then the respondent, followed by the presiding University Official or Hearing Board members may question the witness(es).
- e. Respondent presentation. Respondent presentation begins with an opening statement, describing the alleged violation(s). Material or documentary evidence to be submitted by the respondent will be provided to a University Official or hearing board. The complainant(s) then the presiding University Official or hearing board members, may question the opening statement. The respondent's witnesses individually present statements. The respondent followed by the Presiding University Official or hearing board members may question the witness(es).
- f. Closing statements. After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the complainant(s), then by the respondent(s). No questioning is allowed during or after closing statements. This concludes the hearing procedure.

- g. Deliberation. A review of evidence is conducted by the hearing board or by the presiding University Official (in a non-board hearing) to determine respondent(s)' responsibility as to each of the charges. The presiding University Official will act as a non-voting facilitator when conducting a board hearing.
- h. Decision. Upon a review of all evidence presented during the deliberation process, a decision regarding the respondent(s)' responsibility as to each of the charges shall be made by a majority vote of the hearing board members in the case of a board hearing and by the presiding University Official in the case of a non-board hearing. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence. The complainant(s) shall have the burden of presenting sufficient credible evidence to support such a decision.
- i. Determination of sanction. The presiding University Official, on consideration of the recommendation of the hearing board shall recommend sanctions based upon the extent of responsibility as found and any previous disciplinary record of the respondent(s). A University Official will make a final determination. (See Section V)
- j. Hearing Documents. A written disposition summarizing the main points of the proceedings and evidence presented during the hearing become part of the official record. Tapes made during board hearings also become part of the official record. These materials are confidential. They are made available, in case of appeal and upon request, to the designated University Official or board hearing the appeal and to the student(s) requesting the appeal.
- k. Notification. The decision will be communicated in writing to the student(s) charged and to the complainant(s) by the presiding University Official. Written notification (disposition) will include the date and time of the hearing, the findings, and the sanctions to be imposed, if any. If the student(s) charged is/are found responsible and a sanction is to be imposed, the notification (disposition) shall also inform the student(s) of the right to an appeal and the method for submitting the appeal. (See Section VIII.)
- l. Enforcement. The presiding University Official and other designated University Officials will insure that any sanctions imposed are carried out on behalf of the University.

#### **IV. Mediation and Arbitration**

##### **A. Mediation (Dispute, Conflict Resolution)**

Mediation is a process available for resolving disputes between individuals or groups. Mediation is a voluntary, confidential and non-judgmental process providing an opportunity for parties in conflict to meet with trained mediators to present the issues. Mediation can be an alternative to or supplement the formal judicial process for certain types of conflicts. The mediator's role is to facilitate a written agreement between or among parties in conflict. Mediation agreements are enforceable as official directives, and failure to comply with an agreement may be a violation of the CODE. When a

satisfactory agreement cannot be reached through mediation, any party may refer the complaint for judicial action.

## **B. Arbitration**

Arbitration is a voluntary and confidential process available for resolving disputes through the use of trained arbitrator(s) who after hearing both sides reach(es) a decision on a matter. Arbitration can be an alternative to or supplement the formal judicial process for certain types of conflicts. The impartial arbitrator reviews all the information presented by the disputants and reaches a decision. The decision reached by the arbitrator is binding, and failure to follow the decision may be a violation of the CODE.

## **V. Disciplinary Sanctions**

### **A. Determination of Sanctions**

The determination of sanctions for violations of the Rules of Student Conduct shall be made by the designated University Official in the case of a board hearing or by the hearing officer in the case of a non-board hearing. This determination shall take into consideration all relevant factors, including but not limited to, the facts and circumstances surrounding the incident(s) that gave rise to the violation; the respondent(s)' state of mind; any mitigating factors; and any past disciplinary record of the respondent(s).

### **B. Multiple or Repeated Violations**

More serious sanctions may be imposed for multiple or repeated violations.

### **C. Sanctions Pertaining to All Students**

The following sanctions will apply once a determination has been made.

#### **1. Verbal warning**

A verbal warning is given to a student indicating that his or her action was in violation of a specific regulation. It includes an explanation of the regulation and possible consequences following any repeated violations of the CODE.

#### **2. Written warning**

A written warning sent by a University Official indicates that a student has committed an infraction of a University regulation and that continued or repeated infractions of the regulations will result in further disciplinary action.

#### **3. Restitution**

Restitution for violations against University property may include the restoration or replacement cost.

#### **4. Special Restrictions or Loss of Privileges**

Students may be restricted from participating in certain specified events and activities and may be prohibited from certain areas of the campus, entering certain facilities and offices.

### **5. Disciplinary probation**

Disciplinary probation is a trial period during which a student who has been in difficulty has an opportunity to demonstrate that he/she can act as a responsible and effective member of the University community. The terms of the probation may be varied to fit the individual circumstances.

- a. Terms of probation may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and service to the University or its related bodies.
- b. Students found responsible for violations of the CODE and placed on disciplinary probation may not hold student staff positions (i.e., Resident Assistant, Office Assistant, Building Coordinator, Orientation Leader, Residence Orientation Counselor) or other student leadership positions on the University campus for the duration of the probationary period.
- c. Probation follow-up may include the scheduling of periodic meetings with a University Official and/or disciplinary status reports from a University Official.
- d. Violations of University regulations during the probationary period may result in additional and more significant sanctions.

### **6. Suspension from the University**

Upon suspension from the University, a person loses all of the rights and privileges of a student of the University for a stipulated period. Any suspended individual found on campus during the suspension period will be subject to arrest. Suspension from the University will result in a notation on the student's academic record. After a period of 5 years, a student may request removal of the notation. Any student suspended will be blocked from registering and must schedule a meeting with the Office of Judicial Affairs prior to registering/returning.

### **7. Expulsion from the University**

Upon expulsion from the University, a person loses all of the rights and privileges of a student. Any expelled individual found on campus will be subject to arrest. Expulsion from the University will result in a notation on the student's academic record.

### **8. University or Residential Service & Educational Projects and Programs**

Assigned projects, programs and service (hereinafter referred to as "University Service") to the University or its related bodies may be designed as a sanction. "University Service" will be work performed at a stipulated location within the University and with a stipulated supervisor. The Director of Judicial Affairs or designee will arrange and administer University Service sanctions. Failure to complete the assigned University Service or Educational Project within the specified time period may increase the assignment or result in additional sanctions. Failure to complete satisfactorily an assigned project, program or service will result in the notation Conduct penalty not completed on

the academic record. The notation will be removed upon completion of the assigned educational project, program or service.

#### **D. Specific Sanctions Pertaining to Residents**

##### **1. Imposed reassignment**

The student will be reassigned to an available space on campus at the discretion of a University Official. The student shall be required to move to the new assignment within a specified period of time or be subject to immediate suspension from the residence halls or apartments.

##### **2. Written warning**

Three written warnings from a University Official indicating that a resident has been found responsible for an infraction of a University regulation accumulated for the duration of the individual's residency on campus, whether or not there were interruptions in residency will result in a one year suspension from the residence halls or apartments.

##### **3. Suspension from the Residence Halls/Apartment**

The student will be required to move out of the residence halls/apartments for a given period. The student may apply to be readmitted to the residence halls/apartments following the period of suspension. No preference shall be given to such student in the readmission process. Any individual under suspension from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual violating these terms of suspension from the residence halls or apartments may be suspended from the University and subject to prosecution under the law.

##### **4. Expulsion from the Residence Halls/Apartments**

The student will be required to move out of the residence halls/apartments completely and permanently. Any individual expelled from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual violating these terms of expulsion from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

#### **VI. Exceptional Procedures**

##### **A. Executive Suspension**

The President or designee may, when charges are served, suspend the student or students charged, pending the hearing and determination thereof, whenever the continued presence of such a student would constitute a danger to the student or to the safety of persons or property on the premises of the institution, or his/her presence would pose a threat of disruptive interference with the normal conduct of the institution's activities and functions, or the seriousness of the charges warrants such action, provided that the

President or VPSA (designee) shall grant an immediate review (by the end of the next business day after the suspension) on request of any student so suspended with respect to the basis for such suspension, at which time the suspended student shall have the right to present statements tending to show that the basis for executive suspension does not exist. Suspension may apply to a portion of the University or the entire campus.

**B. Suspension from the Residence Halls/Apartments**

The Assistant Vice President for Campus Residences (designee) or Vice President for Student Affairs (designee) may, when charges are served, suspend a student or students charged from the residence halls/apartments pending the hearing and determination thereof, whenever the continued presence of such a student would constitute a danger to the student or to the safety of persons or property in the residence halls/apartments, or would pose a threat of disruptive interference with the normal conduct of residence hall/apartments activities and functions; or the seriousness of the charges warrants such action, provided that the Vice President for Student Affairs (designee) shall grant an immediate review (by the end of the next business day after the suspension) on request of any student so suspended with respect to the basis for such a suspension, at which time the suspended student may have the right to present statements tending to show that the basis for the executive suspension from the residence halls/apartments does not exist. Suspension may apply to all residence facilities, an individual residence hall/apartment or any portion thereof.

**C. Residence Hall/Apartment Temporary Reassignment and Restriction From Facilities**

The Assistant Vice President for Campus Residences (designee) or Vice President for Student Affairs (designee) may temporarily reassign a resident to another facility and/or restrict a resident from specific campus facilities pending an investigation and/or hearing whenever the continued presence of a resident in a particular campus facility would constitute a danger to the student or to the safety of persons or property in the residence halls/apartments and campus facilities, or the seriousness of the allegations warrants such action. The Assistant Vice President for Campus Residences (designee) shall grant an immediate review (by the end of the next business day after the temporary reassignment and/or restriction) on request of any resident so reassigned and/or restricted with respect to the basis for such a reassignment and/or restriction.

**D. Temporary Restriction from Personal Contact**

The Assistant Vice President for Campus Residences (designee) or Vice President for Student Affairs (designee) may temporarily restrict a student from any personal, verbal, written, telephone and electronic contact with another person pending an investigation and/or hearing whenever the contact could constitute a danger to the person or to the safety of the person or property, or the seriousness of the allegations warrants such action. Any student so restricted may obtain an explanation of the basis for such restriction upon request.

### **E. Withdrawal Prior to Hearing**

Any student who withdraws or fails to return to the University while disciplinary action is pending or fails to appear for a scheduled hearing will be ineligible for readmission, registration, receipt of a transcript, or diploma until the outstanding matter is resolved. The University reserves the right to formally restrict individual(s) from the campus grounds while such disciplinary action is pending. Any further readmission would require an appeal in writing to the VPSA (designee) and approval by the VPSA (designee).

## **VII. Evaluation Procedures**

Individuals whose behavior is alleged to pose a threat to the health and safety of themselves or others, (Section II.A.4.a) or to significantly disrupt university activity (Section II.A.9.a) may be in violation of the CODE, and may be subject to the following extraordinary procedures, including parental notification.

### **A. Medical and/or Psychological Evaluation**

The Vice President for Student Affairs (designee) may direct a student to participate in a medical and/or psychological evaluation whenever the behavior of the student is alleged to pose a threat to the health and safety of themselves, or others or to significantly disrupt university activity. The medical and/or psychological evaluation process is designed to assess:

1. Whether the student's behavior poses a threat to the safety of the student or others, and the nature, duration and severity of the threat/disruption.
2. Whether the threat to safety/disruption is likely to continue or increase if the student remains on the campus and/or in the residence halls.
3. Whether the student is able to control the behavior that creates the threat or significant disruption.
4. Whether reasonable modifications of policies or procedures will mitigate the risk identified.
5. Whether the student needs assistance or referral to appropriate support or treatment services.
6. Whether periodic evaluation will be required to remain enrolled.
7. Whether parents/guardian/emergency contact will be notified.
8. Whether the student will need evaluation by an off-campus specialist.

The medical and/or psychological evaluation is conducted by the Director of the University Counseling Center (designee) and/or the Director of the Student Health Service (designee). Evaluations completed at the University Medical Center at Stony Brook may be accepted at the discretion of the Director of the University Counseling Center.

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

**B. Withdrawal Prior to Evaluation**

The student, who leaves (including voluntary leaves of absence for medical reasons), withdraws, is administratively suspended/withdrawn, or fails to return to the University before an initial or continued medical and/or psychological evaluation is completed may not be permitted to register for classes or return to campus until the outstanding matter is resolved.

**C. Withdrawal by Administrative Action**

The Vice President for Student Affairs (designee) may initiate and approve procedures for the administrative withdrawal from the University or residence halls of any student for any of the following reasons: 1. Behavior that poses a threat to the health and safety of the student or others. 2. Behavior that disrupts university activity. 3. Behavior that continues to pose a threat to the health and safety of the student, or others or significantly disrupts a university activity subsequent to a mandated evaluation. Administrative withdrawal determination shall be made by the Vice President for Student Affairs (designee). Students may challenge the withdrawal through the submission of a written appeal to the Vice President for Student Affairs (designee) supported by medical and/or mental health professional documentation.

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

**D. Return to the University**

Students who leave the university as a result of a mandated evaluation, whether the leave is voluntary or involuntary may return to the University or residence halls when the following steps have been completed:

1. The University Counseling Center and/or the Student Health Service has received and evaluated documents provided by a treating practitioner.
2. The University has completed a mandated evaluation indicating that the behavior of the student no longer poses a threat to the health and safety or a likelihood of significant disruption of the university activity.
3. The Vice President for Student Affairs/designee has approved the decision to permit the student to register for classes, return to campus, or live in a campus residence.

Registration and/or housing assignment is not permitted until readiness to return to school has been thoroughly evaluated.

**E. Application of CODE**

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

## **VIII. Appeals**

### **A. Grounds**

Students found responsible for offenses under the CODE may appeal such findings on the following limited grounds:

- . significant procedural violations;
- . substantive new evidence; and/or
- . arbitrary and capricious penalty or sanction.

### **B. Application (for appeal)**

Students wishing to appeal must submit a written application stating the grounds for the appeal to the designated University Official identified in the notice of disposition. This application must be submitted within seven (7) calendar days after the student(s) receipt of the notice of disposition.

### **C. Acceptance or Rejection**

The designated University Official shall determine whether the appeal is accepted for further review. If the appeal is not accepted for further review, the student(s) shall be notified in writing. This decision is final.

### **D. Appeal Procedure**

1. If the appeal is accepted for further review, the designated University Official shall refer the appeal to the appeals board (in cases of suspension or expulsion from the residence halls or University) or shall consider the appeal (in cases of sanctions less serious than suspension or expulsion).
2. In appeals involving an appeals board review, the other parties in the case will be notified that an appeal has been accepted for review by an appeals board and such parties shall be offered an opportunity to present a written statement to the appeals board citing the specific grounds for the opposition.
3. The designated University Official or appeals board will review the complete record of the case, the statements of any parties, or any other evidence, and where necessary may require interviews with the parties involved.

### **E. Appeals Board Composition**

The appeals board shall be composed of a designated University Official who shall serve as chair, one faculty member, one professional staff member, and three students, all selected from the hearing board pool. No person shall review a case in which he/she is an interested party or witness. Members who feel they cannot provide a fair and impartial review of any appeal shall excuse themselves and substitute appeals board members shall be selected.

### **F. Temporary Suspension of Sanction**

In exceptional cases, the designated University Official may suspend the implementation of any sanction pending the consideration of the appeal. All appropriate steps shall be

taken, in the sole judgment of the designated University Official, to prevent violations of the CODE.

### **G. Appeal Decisions**

The designated University Official hearing an appeal and the appeals board may decide the appeal in any of the following manners:

- the appeal may be denied;
- the finding of responsibility may be upheld but the sanction suspended or reduced;
- the finding of responsibility may be reversed and the case sent back for a new hearing (e.g. in cases involving the presentation of substantial new evidence or significant procedural errors); or
- the finding of responsibility may be reversed and the case dismissed (e.g. where the evidence fails to establish responsibility).

### **H. Notice of Decision and Final Action**

The appeal official or the appeals board shall forward a recommendation on the appeal to a designated University Official (generally either the Vice President for Student Affairs or the Assistant Vice President for Campus Residences). Such designated University Official shall make a final determination based on this recommendation and shall notify the parties within seventy-two (72) hours following receipt of the recommendation. This decision is final.

## **IX. RECORDS**

### **A. Student Disciplinary Records**

Student disciplinary records shall contain documents and when appropriate audiotapes pertaining to proceedings carried out under the terms of the CODE.

### **B. Maintenance of Records**

Student disciplinary records (excluding audiotapes) will generally be maintained for a period of seven (7) years after the last incident except in cases of expulsion from the University which may be kept indefinitely.

### **C. Confidentiality**

Student disciplinary records, except as hereinafter provided, will be confidential to the extent possible in accordance with federal and state laws relating to disclosure.

### **D. Academic Transcript Notation**

A record of disciplinary action shall only be placed on a student's academic transcript in cases involving expulsion or suspension from the University; in the case of an academic dishonesty violation; or, in the case in which a penalty duly levied was not carried out by the student, a registration block will be placed on their academic record. In the latter case, the transcript notation and the registration block will be removed upon the completion of the action required by the penalty. The Vice President for Student Affairs

(designee), after five (5) years, will consider written requests for removal of disciplinary action on an academic transcript in cases of suspension from the University or in case of any penalty duly levied and not carried out by the student.

**X. AMENDMENTS AND MODIFICATION OF THIS CODE.**

Amendments and modifications of the University Student Conduct Code are the responsibility of the Stony Brook Council. To assist the Council in meeting its responsibility, there will be a Committee including equal representation from the Executive Committee of the Undergraduate Student Government, the Graduate Student Organization, the University Senate and the Vice President for Student Affairs. This Committee, which may also include added members upon agreement of those already specified, shall meet tri-annually at the call of the Vice President for Student Affairs, but any other representative may call meetings as often as necessary. The Committee shall submit such recommendations as it deems advisable and shall review such proposals as are suggested by the Council.

**XI. EFFECTIVE DATE.**

Amendments and modifications to the Code shall take effect for the semester following the one during which the Stony Brook Council accepts the changes.