

UNIVERSITY STUDENT CONDUCT CODE

Approved by the Stony Brook Council. Effective May 31, 2016

INTRODUCTION

This is the University Student Conduct Code, which is referred to throughout this document as the CODE. The CODE is applicable to all Stony Brook students, including any person who has accepted admittance to the University, undergraduates, graduates, professional students, and certificate program participants, matriculated and non-matriculated students, regardless of number of credits the person is enrolled in. This CODE provides the rules and regulations governing student behavior at Stony Brook University.

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 at Stony Brook University; these rules and regulations have been designed to help accomplish this. The CODE is intended to provide you with the University's expectations and also to support compliance with the state and federal laws related to matters such as those involving drugs, alcohol, weapons, discrimination, sexual assault or abuse, and racial, sexual, or sexual-preference harassment.

This CODE is not the only source of rules or regulations governing student conduct at Stony Brook University. Students must also follow applicable policies found in the University Policy Manual¹, the Rules of Public Order², and rules issued by the Office of Student Affairs (including the Residence Hall/Apartment Terms of Occupancy³). Additional rules and regulations can be found in the Student Handbook, as well as the Fraternity and Sorority Handbook. Students should also familiarize themselves with academic integrity regulations and the University's research misconduct policy (see Academic Dishonesty and Research Misconduct information on pages 1-2). All students should become familiar with these important items. All University policies and related documents may be accessed through the Stony Brook University website.

ACADEMIC INTEGRITY

Intellectual honesty is a cornerstone of all academic and scholarly work. Academic dishonesty includes any act that is designed to obtain fraudulently, either for oneself or for someone else, academic credit, grades, or other recognition that is not properly earned or that adversely affects another's grade. Therefore, the University views any form of academic dishonesty as a very serious matter. Any member of the academic community may bring forward an accusation of academic dishonesty to the appropriate judiciary committee as noted below. Alleged violations of academic integrity are handled by each academic college/school; additional information is available below:

¹ <http://www.stonybrook.edu/policy/>

² <http://studentaffairs.stonybrook.edu/ucs/policies/order.html>

³ http://studentaffairs.stonybrook.edu/res/housing_facilities/rules_and_regulations/termsofoccupancy16-17.html

College of Arts and Sciences, College of Business, School of Journalism, and School of Marine and Atmospheric Sciences: The Academic Judiciary Committee, as part of the Division of Undergraduate Education, serves to educate the University community about academic integrity. The Committee addresses all cases of academic dishonesty among undergraduate students in the College of Arts and Sciences, College of Business, School of Journalism, and School of Marine and Atmospheric Sciences. Further information regarding the Academic Judiciary Committee is available at http://www.stonybrook.edu/commcms/academic_integrity/.

College of Engineering and Applied Sciences (CEAS): The CEAS Committee on Academic Standing and Appeals addresses all cases of academic dishonesty among undergraduate students in the College of Engineering and Applied Sciences. More information is available from the CEAS Undergraduate Student Office and <http://www.ceas.sunysb.edu/>.

Graduate School: The Graduate School addresses all cases of academic dishonesty involving graduate students. For more information, call (631) 632-4723.

School of Professional Development (SPD): SPD addresses all cases of academic dishonesty involving students enrolled in the School of Professional Development. For more information, call (631) 632-7050.

Health Sciences Center: 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 school. 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.

RESEARCH MISCONDUCT

Research 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 University Policy P210 (Research Misconduct). This policy is in compliance with federal regulations promulgated by the Office of Research Integrity, within the Public Health Service.

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PREAMBLE

The following statements of policy and procedure are collectively known as the CODE.

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.

Conduct appropriate to a student at Stony Brook University promotes the individual's own academic pursuits and contributes to meeting the community's educational objectives. An individual's conduct becomes a 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 Stony Brook University may be subject to the University's disciplinary process.

If a violation of law occurs on campus it is also a violation of University regulations and the University may institute proceedings against the Respondent(s). Such action by the University is independent of and may proceed in parallel with civil or criminal action. Ordinarily, the University will not pursue off-campus violations unless such violations are deemed to adversely affect the safety and security of the University, University property or individual members of the University community. For information on living responsibly off campus, visit: <http://studentaffairs.stonybrook.edu/ocliving/>.

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 come to the University's attention, the University may notify parents in cases where it is believed the student might benefit.

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

- 1. Any unauthorized use of a master or control key.**
- 2. Attempts to set or intentionally setting fires that may result in damage or injury.**
- 3. Brandishing, threatening or injuring with a weapon (including but not limited to, knives, switchblades, swords, firearms, pellet or bb guns, air pistols/rifles, chukka sticks, throwing stars, batons, nightsticks, spears and spear guns, fireworks or explosives, chemicals, and bows and arrows).**
- 4. Discrimination on the basis of sex/gender, which includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and/or penetration, non-consensual physical violent contact during a consensual sexual contact, domestic violence, dating violence, and particular instances of stalking.**

5. **Discriminatory or bias-related acts of assault or abuse.**
6. **Endangering mental or physical health (hazing) as defined in III.A.1.g. and III.A.9.b.**
7. **False fire alarms, acts that undermine safety/security equipment or systems, or other acts which compromise the security of the campus community.**
8. **Physical assaults resulting in injury requiring medical attention.**
9. **Sales or possession of a saleable quantity of illegal drugs as defined by law.**
10. **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.**
11. **Unauthorized use of computing and network facilities.**
12. **Violations of the campus alcohol and/or other drugs policy that result in injury, damage to property, or undermine the safety and security of the campus.**

For these categories of violations, the sanction will ordinarily be SUSPENSION and/or EXPULSION from the University. In such cases, the Exceptional Procedure of INTERIM SUSPENSION (found in Section II) may also be invoked.

I. DEFINITIONS

1. **Advisors:** Complainants and Respondents may each select an advisor of their choice to accompany them during any proceeding. Advisors for either party may only advise or assist but may not engage in any verbal presentation or questioning. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated in this CODE.
2. **Complainant:** any member of the University community or visitor to the campus who initiates and/or later presents such a complaint against a student to a designated University Official. A University Official may serve as a Complainant on behalf of others in enforcing the terms of this CODE.
3. **Guest:** someone who is visiting a student.
4. **Hearing Officer:** a designated University Official who is authorized to preside over the hearing process and impose sanctions, when appropriate.
5. **Level I Violations:** are violations for which the sanctions may include but are not limited to 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. Includes violations of the CODE and Alcohol Policy.
6. **Level II Violations:** are violations 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. (For sexual misconduct cases the board is composed of faculty and staff only.)
7. **Level III Violations:** are violations 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. **Longer Term Guest or Live-in Guest:** someone whose host is a resident. Their host must hold a valid contract and must have been granted permission, in writing, for their spouse,

domestic partner and/or their dependent children only, to be eligible to live with them in their apartment. Permission may only be granted by the Division of Campus Residences.

9. **Party:** refers to either the Complainant or Respondent.
10. **Preponderance of the Evidence:** standard applied to determine whether it is “more likely than not” that an incident occurred.
11. **President and Vice President for Student Affairs:** as used within this CODE, the terms 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.
12. **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. **Residential Guest:** someone who is visiting a residential student and who is not a contracted resident of the specific room, residence hall, or apartment.
14. **Residential Host:** any resident student who has a residential guest in the residence facilities.
15. **Respondent:** any University student or resident who is charged with an alleged violation of the CODE.
16. **Staff Members:** qualified to act on behalf of the University in matters pertaining to conduct in the residence halls or apartments, including: the Assistant Vice President for Campus Residences, Directors, Associate and Assistant Directors of Campus Residences, Quad Directors, Quad/Apartment Service Managers, Residence Hall Directors, Apartment Living Coordinators, and student staff including, but not limited to, Graduate/ Resident Assistants, Office Assistants, and Residential Safety.
17. **Student:** any person who has accepted admittance to the University for student status or who is currently registered or enrolled as an undergraduate, graduate, professional 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 or discipline matter. Such a person shall also be considered a student during intersession/summer periods and at University-sponsored commencement events in which he or she is a participant.
18. **University Official:** Unless otherwise specified, this term 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 Graduate/ Resident Assistants, Office Assistants, Residential Risk and Safety 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.
19. **Vice President for Student Affairs and the Assistant Vice President for Campus Residences:** sometimes referred to as "VPSA" or "AVPCR." Either University Official 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.

II. EXCEPTIONAL PROCEDURES

Students are expected to maintain a reasonable level of concern for their own self-welfare as well as for the safety and well-being of others. Individuals whose behavior is alleged to pose a threat to the health and safety of themselves or others or to significantly disrupt University activity may be in violation of the CODE. The University may use extraordinary procedures to protect the safety and well-being of the student and others. Such measures include, but are not limited to: family/parental notification, mandated assessment and/or temporary or permanent separation from the University. The following fall under exceptional procedures:

A. INTERIM SUSPENSION

Upon receipt of credible allegations of University Conduct Code violations, the President or designee may suspend a student or students on an interim basis 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. The interim suspension may apply to a portion of the University or the entire campus. The President or 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 suspension, at which time the suspended student shall have the right to present statements tending to show that the basis for interim suspension does not exist. Student must be in compliance with the terms of their interim suspension at the time of their request for such a review.

B. INTERIM SUSPENSION FROM THE RESIDENCE HALLS/APARTMENTS

Upon receipt of credible allegations of University Conduct Code violations, the Vice President for Student Affairs (designee) or Assistant Vice President for Campus Residences (designee) may suspend a student or students 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. The interim suspension may apply to all residence facilities, an individual residence hall/apartment or any portion thereof. 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 shall have the right to present statements tending to show that the basis for the interim suspension from the residence halls/apartments does not exist. Student must be in compliance with the terms of their interim suspension at the time of their request for such a review.

C. RESIDENCE HALL/APARTMENT TEMPORARY REASSIGNMENT AND RESTRICTION FROM FACILITIES

Upon receipt of credible allegations of University Conduct Code violations, the Vice President for Student Affairs (designee) or Assistant Vice President for Campus Residences (designee) may temporarily reassign a resident to another facility and/or restrict a resident from specific University 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. Student must be in compliance with the terms of their interim reassignment/restriction at the time of their request for such a review.

D. TEMPORARY RESTRICTION FROM PERSONAL CONTACT

The Vice President for Student Affairs (designee) or Assistant Vice President for Campus Residences (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 campus grounds while such disciplinary action is pending. Any further readmission/re-entry to the University would require an appeal in writing to the Vice President for Student Affairs (designee) and approval by the Vice President for Student Affairs (designee).

F. MANDATED ASSESSMENT

The Vice President for Student Affairs (designee) may direct a student to participate in an individualized psychological and/or medical assessment 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 assessment process is designed to assess the factors which contributed to the student's behavior and to assist the student in accessing resources in order to maintain appropriate behavior.

Failure to respond to a directive from a University Official to complete the mandated assessment process by the date requested may result in administrative action, up to and including temporary suspension from the University or the residence halls/apartments until the assessment and

requirements are met.

1. Withdrawal Prior to Mandated Assessment

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 assessment has been completed may not be permitted to register for classes or return to University until the outstanding matter is resolved.

2. Withdrawal by Administrative Action

The Vice President for Student Affairs (designee) may initiate and approve procedures for the administrative withdrawal of any student from the University and/or residence halls/apartments if they engage in behavior that either poses a threat to the health and safety of the student or others, or significantly disrupts University activity.

An administrative withdrawal determination shall be made by the Vice President for Student Affairs (designee). Students may appeal 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.

3. Return to the University

Students who leave the University prior to the completion of the assessment process, whether the leave is voluntary or involuntary, may return to the University or residence halls when the following steps have been completed:

- a.** The University completed an individualized assessment(s) for the purpose of evaluating the readiness to return to the University.
- b.** The Vice President for Student Affairs (designee) has approved the decision to permit the student to register for classes, return to University, and/or live in a campus residence.

4. Application of CODE

The application of these assessment procedures will not preempt 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.

III. RULES OF STUDENT CONDUCT

A. GENERAL CAMPUS REGULATIONS

The following items explain campus regulations and the University's expectations for its students. This Section does not include items related to sexual misconduct, which can be found in Section VII.

1. Respect for Persons

Treating people with respect means acting in a manner that supports 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 are specifically prohibited:

- a. **Offenses against persons:** No student shall threaten, assault, haze, intimidate, bully 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. No student shall retaliate against another member of the community for bringing forth a complaint or serving as a witness.
- b. **Stalking:** No student shall engage in stalking. The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means (cyberstalking), with such person(s) in a manner likely to harass, intimidate, annoy, or create a nuisance 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, paint ball guns, and compromising fire and security systems. All wheeled modes of transportation or motor vehicles, with the exception of handicapped service equipment, are prohibited within the confines of any University facility.
- 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, sex, sexual orientation, gender identity, religion, age, color, creed, national or ethnic origin, disability, marital status, genetic information, criminal conviction, domestic violence victim status, and/or military status, or other rights and privileges as may be protected under federal, state and/or local law. Alleged violations on the basis of sex/gender that fall under sexual misconduct will follow the policy and procedures provided in Section VII.
- 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 alcohol, drugs and/or other substances for the purpose of initiation into or affiliation with any organization, group, team, or sports club. 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.

2. Sexual Misconduct

See Section VII.C.5.

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. The following violations are specifically prohibited:

- a. **Offenses against property:** No student shall take, possess, damage, litter or deface (with graffiti, graffiti instruments, or otherwise tamper with) 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. Tampering with building technology not limited to door controls, audio visual equipment, and elevator controls is prohibited. No student shall override room thermostat systems to drastically alter room temperature. 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. Therefore:

- 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, or engage in acts that compromises the safety of the University Community.
- 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, discharge 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:
 1. Deregistration from classes
 2. Loss of early registration status
 3. Removal from campus including cancellation of campus housing
 4. Loss of financial aid

5. Security of Buildings, Facilities, 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 accepted. The following are applicable to the security of buildings, facilities, the campus, and motor vehicle/parking regulations:

- 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 and enter, without authorization, 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; nor shall any student assist or make possible the illegal entrance or unauthorized presence of any person.
- 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 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 CODE, alcohol and drug policies, building/facility guest policies, and motor vehicle/parking regulations. Guests must be escorted by their host at all times. Students must show a valid Stony Brook University ID when attempting to enter the main 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 631-632-9615. 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.
- 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.
- f. **Compromising community security:** 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, is prohibited.

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. Therefore:

- 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 discipline 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 and including 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. 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 University's mission of providing 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 (see University Policy P109: Use of Information and Technology⁴). Therefore:

- a.** Students are not permitted to establish servers on non-university owned machines using campus facilities.
- b.** No user shall view, copy, alter, destroy, or distribute another's personal electronic files without permission. This includes the downloading and/or streaming of any copyrighted material without the owner's 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.** 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 newsgroups with the intention of reaching as many users as possible, and the use of computing and networking resources of campus for commercial purposes.
- i.** Users of the University network are prohibited from installing or connecting devices which could potentially degrade or deny services. This includes, but not limited to, routers (wireless and wired), proxy servers, gateways, compromised/infected personal devices and Dynamic Host Configuration Protocol (DHCP) appliances. Stony Brook reserves the right

⁴ <http://www.stonybrook.edu/policy/policies.shtml?ID=109>.

to protect the integrity of the campus network and will disable any connection which violates this policy.

- j. 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.
- k. 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 software, images, music, videos, etc.

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 exercising their assigned duties. Students may appeal to the Vice President for Student Affairs (designee) or the Assistant Vice President for Campus Residences (designee), (if the directive was issued by a Campus Residences staff member) for a rescission of any Official Directive, but the student must be in compliance with the directive at the time of review.

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. Also:
 - 1. Students who are members of University organizations 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 organizations⁵ 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 electronic devices or other communication devices into (1) a class, (2) University event, or (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 and come to an agreement regarding the use of the item before using it in class. University policy also prohibits bringing any electronic and mobile communication devices into course examinations. See the Academic Judiciary brochure and the University Bulletin.
 - d. Students may participate in peaceful demonstrations on campus as long as they comply with University Policy P107R: Public Assembly⁶ and the Rules of Public Order, Section 535.4, "Freedom of speech and assembly; picketing and demonstrations"⁷.
 - e. No student shall be subject to any limitations or penalty solely for the wearing of clothing exhibiting protected speech.

10. Alcohol, Drugs and Gambling

The University recognizes all Federal, State and Local laws, and expects students to adhere to them. The University also recognizes that illegal alcohol and drug use is a major public health problem that has the potential to be harmful to the individual, the community and interferes with the goals and objectives of an academic institution. Members of the University community who decide to engage in illegal or excessive alcohol and drug use are responsible for their conduct under these circumstances. Specifically, the University puts students on notice that its campus offers no haven from the violation of applicable Local, State or Federal laws.

- 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. The Campus Alcohol Policy prohibits the possession and consumption of alcoholic

⁵ http://studentaffairs.stonybrook.edu/sac/fraternities_sororities/current_students.shtml

⁶ <http://www.stonybrook.edu/policy/policies.shtml?ID=107>.

⁷ <http://studentaffairs.stonybrook.edu/ucs/policies/order.html#view-535.4>.

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 Office of Dean of Students, Division of Campus Residences, and the Office of the Vice President for Student Affairs, Executive Area and the Stony Brook University website. Also:

1. To discourage excessive consumption of alcoholic beverages, bulk containers of alcohol larger than one gallon (e.g., kegs, beer balls, punch bowls, bottles, draft containers of wine, etc.) are prohibited.
 2. To discourage excessive consumption, large quantities of beer, wine, or hard liquor, are prohibited. No individual student may possess 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.
 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 that encourage excessive consumption of alcohol, including but not limited to funnels, beer helmets, beer pong tables, are prohibited.
- b. Driving while ability impaired by alcohol, drugs, or the combined influence of alcohol and drugs.** No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by alcohol, drugs, or the combined influence of alcohol or drugs.
- c. Zero Tolerance Law.** 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.⁸
- d. Illegal drug possession, use, sale and the possession of drug paraphernalia.** No student shall possess, use, purchase, distribute, 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).
- e. 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.

⁸ NYS Vehicle and Traffic Law, Section 1192-a. Operating a vehicle after having consumed alcohol; under the age of twenty-one; per se (effective November 1, 1996, S5960, Chapter 196 of the Laws of 1996).

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. Tobacco-Free University

As a reminder, Stony Brook University Policy 112 establishes a tobacco-free environment. No form of tobacco use, which includes electronic cigarettes, is allowed on University property. This includes all indoor and outdoor locations. The use of tobacco is also prohibited in all University vehicles, which includes, but are not limited to, buses, vans, cars, and trucks. The policy, along with resources, is available on the University's tobacco-free website available at: <http://www.stonybrook.edu/commcms/tobaccofree>

Students residing in University residence hall facilities should refer to the Terms of Occupancy available at:

http://studentaffairs.stonybrook.edu/res/housing_facilities/rules_and_regulations/terms_res_halls.html

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.

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 online at: http://studentaffairs.stonybrook.edu/res/housing_facilities/rules_and_regulations.

C. MEDIATION (DISPUTE, CONFLICT RESOLUTION)

Mediation is a process available for resolving certain disputes between individuals or groups (though not available when there is an allegation of sexual violence). 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 discipline 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.

D. ARBITRATION

Arbitration is a voluntary and confidential process available for resolving disputes through the use of trained arbitrator(s), who after hearing both sides reaches 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.

IV. ADMINISTRATIVE HEARING PROCESS

Alleged violations of the CODE provided in Section III will be reviewed in accordance with the procedures outlined in this Section. A finding of responsibility as to each of the charges must be supported by a preponderance of the evidence; whether it is “more likely than not” that the incident occurred. If the totality of all the information presented meets this standard, then the Respondent must be found responsible. The burden of presenting such evidence rests with the Complainant(s).

A. PREHEARING PROCEDURES

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 or person (i.e. Dean of Students, Division of Campus Residences, Office of Institutional Diversity and Equity, Title IX Coordinator, Title IX Deputies, University Community Standards, University Police, etc.). A complaint or referral made against a student or students, alleging violation(s) of the CODE, 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. All alleged violations shall be referred to the Office of University Community Standards. 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 pre-hearing investigation.

2. Investigation

A representative from the Division of Student Affairs (University Official) shall investigate and determine whether further action is necessary within a reasonably prompt time frame and in an effective manner. The investigation includes interviews and requests for written statements from the parties (i.e. 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. In circumstances involving investigation of complaints when the

Complainant does not choose to proceed, the University Official reserves the right to continue its investigation regardless of Complainant cooperation or involvement. The University will make every effort to keep all investigations confidential to the extent possible/practical.

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 conference or attend a hearing on the date cited in the notice. The hearing shall be scheduled for no less than five (5) days from the date of the notice for Level 1 and Level 2 hearings and no less than ten (10) days from the date of the notice for Level 3 hearings.
- b. Disciplinary Conference.** Disciplinary Conference 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 of Charges

Respondent may choose to accept responsibility for and not contest the charges against him/her. If this election is made, the student will sign a waiver of their right to a hearing, and must accept the sanction(s) identified in the waiver. A student's 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. Information in Support/Defense of Allegations

Information in support/defense of allegations (including testimony, documentary and/or physical material) to be presented by Complainant(s) and Respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing.

- The University Official presiding at or a Hearing Board hearing the case may exclude information in support/defense of allegations that has not been shared, or adjourn the hearing to afford all parties the opportunity to review information in support/defense of allegations to be presented during the hearing.
- The University Official presiding at or a Hearing Board hearing the case will make the final decision relating to the admissibility of all information in support/defense of allegations.

Hearsay information in support/defense of allegations, including written statements, may be considered. First hand oral testimony subject to cross examination will be given greater weight than hearsay testimony. Written statements from character witnesses are permitted into the hearing.

7. Advisors

The Complainant and Respondent may appear at the hearing with an advisor of their choice. The role of the advisor is to assist each party, 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 at the Board Hearing may include the Complainant(s), Respondent(s), their advisor(s), witness(es) (while giving testimony), the presiding Hearing Officer, 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 confidentiality, hearings shall be closed to members of the campus community and to the public.

B. HEARING BOARDS

1. Purpose

Hearing Boards are established for the purpose of hearing charges of violations of the rules set forth in this CODE.

2. Hearing Board Pool

A Hearing Board Pool shall be selected from members of the University community (students, faculty, and staff).

3. 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 Hearing Board composed of three to five members from the Hearing Board Pool. During intersession or summer sessions, or other periods when students and faculty are not readily available, the Hearing Board may be composed of at least one (1) student and one (1) faculty or staff member.

4. Term of Service

All Hearing Board members are expected to serve 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).

5. Student Eligibility

All students, full or part-time, shall be eligible for recruitment to serve as Hearing Board members, provided they have maintained a 2.50 cumulative grade point average, are not currently on disciplinary probation and have not been suspended from the residence halls/apartments or the University. Students with a disciplinary record may be required to meet with a University Official and their application may be denied.

6. Training

All members of the Hearing Board, upon receiving notice of appointment, shall be given necessary information about their responsibilities and the means by which they may fulfil them.

C. 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/Hearing Officer or a Hearing Board. In the event that 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. When requested, the University will provide options for a room divider, use separate hearing rooms, or other reasonable mechanisms to directly cross examine the other party. The hearing procedures generally include the following basic steps:

1. Opening

The presiding Hearing Officer states the alleged charges and identifies the individuals present.

2. Challenge

Hearing Board members who feel they cannot fairly serve shall be excused. Conflicts of interest must be disclosed. 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.

3. Plea

The Respondent(s) will be asked to state their plea (i.e., responsible or not responsible) to each of the alleged violations.

4. Complainant Presentation

Complainant presentation should begin with an opening statement describing the alleged violation(s). Information in support/defense of allegations submitted by the Complainant will be provided to a University Official/Hearing Officer and the Hearing Board. The Respondent, then the presiding University Official/ Hearing Officer or Hearing Board members may question the Complainant regarding the opening statement and significant information supporting the allegation. Complainant's witness(es) individually present oral statements. The Complainant, then the Respondent, followed by the presiding University Official/Hearing Officer or Hearing Board members may question the witness(es).

5. Respondent Presentation

Respondent presentation should begin with an opening statement describing the alleged conduct. Information in support/defense of allegations submitted by the Respondent will be provided to a University Official/Hearing Officer and the Hearing Board. The Complainant, then the presiding University Official/Hearing Officer or Hearing Board members may question the Respondent regarding the opening statement and information defending the allegation. Respondent's witness(es) individually present oral statements. The Respondent, then the Complainant, followed by the presiding University Official/Hearing Officer or Hearing Board members may question the witness(es).

6. 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.

7. Deliberation

After closing statements have been presented, a review of information in support/defense of allegations is conducted by the Hearing Board or by the presiding University Official/Hearing Officer to determine Respondent's responsibility as to each of the charges. The presiding University Official/Hearing Officer will act as a non-voting facilitator when conducting a review.

8. Decision

Upon a review of the totality of the information discussed 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. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).

9. Recommendation/Determination of Sanctions

The presiding Hearing Officer, upon consideration of the recommendation of the Hearing Board, shall recommend sanction(s) based upon the extent of responsibility determined. Upon receipt of the recommendations and after review of any previous disciplinary record of the Respondent(s), the University Official will make a final determination of the sanction(s). See Section V for information on disciplinary sanctions.

D. POST HEARING PROCEDURES

After the hearing procedures in Section IV.C. have taken place, the following will occur:

1. Notification/Hearing Disposition

The decision of the proceeding will be communicated in writing to the Respondent and to the Complainant by the presiding University Official/Hearing Officer (or designee). Written notification (also called a disposition) will include the date and time of the hearing, the findings, and the sanctions to be imposed, if any. If the Respondent charged is found responsible and a sanction is to be imposed, the notification/disposition shall inform the Respondent of the right to an appeal and the method for submitting the appeal (see Section VI).

2. Hearing Documents

A written notification/disposition summarizing the main points of the proceedings and information in support/defense of allegations presented during the hearing become part of the proceeding's official record. Recordings made during the hearing also become part of the official record. These materials are confidential. However, these materials are made available, in cases of appeal and upon request, to the designated University Official/Hearing Officer or Hearing Board hearing the appeal and to the student(s) requesting the appeal. Unless otherwise required by law, all information obtained during the course of the investigation and hearing shall be protected from public release.

3. Enforcement

The presiding University Official/Hearing Officer and other designated University Officials will insure that any sanctions imposed are carried out on behalf of the University. Information on disciplinary sanctions is provided in Section V.

V. DISCIPLINARY SANCTIONS

A. DETERMINATION OF SANCTIONS

The determination of sanctions for violations of the CODE 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 Respondents' state of mind, any mitigating factors, and any past disciplinary record of the Respondent. More serious sanctions may be imposed for multiple or repeated violations.

B. SANCTIONS

The following sanctions may be imposed once a determination has been made. Failure to complete a sanction may result in a Registration, Transcript, and/or Diploma hold being placed on the student's account.

1. Verbal Warning

A verbal warning indicates that a student's action was in violation of a specific regulation. It includes an explanation of the regulation and possible consequences in the event of any repeated violations of the CODE.

2. Written Warning

A written warning 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 of the lost or damaged property.

4. Special Restrictions or Loss of Privileges

Students may be restricted from participating in certain specified events and activities, and may be prohibited from entering certain areas of the campus, including certain facilities and offices. Student access to specific services may also be limited if a pattern of abuse of said services has been identified.

5. Disciplinary Probation

Students may be placed on disciplinary probation for a period of time. Violations of University regulations during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the student may be required to attend periodic meetings with a University Official. The terms of the probation will be tailored to fit the

individual circumstances and 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 affiliated entities.

Students placed on disciplinary probation may not hold student staff positions, including but not limited to: Resident Assistant, Office Assistant, Building Coordinator, Orientation Leader, Residential Safety Patrol, Work Crew and Residence Orientation, for the duration of the probationary period.

Students placed on disciplinary probation may not hold student leadership positions, including but not limited to: Undergraduate Student Government, Graduate Student Organization, Residence Hall Association, National Residence Hall Honorarium, and Inter Fraternity and Sorority Council.

6. University or Residential Service & Educational Projects and Programs

Students may be assigned projects, programs and service (here in after referred to as “University Service”) to the University or affiliated entities. “University Service” is work performed at a stipulated location within the University and with a stipulated supervisor. The Director of the Office of University Community Standards, 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 satisfactorily complete an assigned project, program or service will result in a notation “Conduct penalty not completed” on the student’s academic record. This notation will be removed upon completion of the assigned educational project, program or service.

7. Suspension from the University

Upon suspension from the University, a person loses all of the rights and privileges of being a student of the University for a stipulated period and is prohibited from using or entering the campus or its facilities. 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 five (5) years, a student may request removal of the notation. Any student that is suspended will be blocked from registering for classes and must schedule a meeting with the Office of University Community Standards prior to registering/returning to the University.

8. Expulsion from the University

Upon expulsion from the University, a person loses all of the rights and privileges of being a student and is prohibited from using or entering the campus or its facilities. 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.

C. SPECIFIC SANCTIONS PERTAINING TO RESIDENTIAL STUDENTS

1. Imposed Reassignment

A student may 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/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/Apartments

A student may 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 or re-entry 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 found violating these terms of suspension from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

4. Expulsion from the Residence Halls/Apartments

A student may be required to move out of the residence halls/apartments completely and permanently. Any student 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 found violating these terms of expulsion from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

VI. APPEALS

A. GROUNDS

Students found responsible for offenses under Sections III and IV of the CODE may appeal such findings on the following limited grounds:

1. significant procedural violations;
2. substantial new information in support/defense of allegations; and/or
3. the sanction(s) imposed is/are substantially disproportionate to the severity of the violation.

B. APPLICATION FOR APPEAL

Students wishing to appeal a disposition must submit a written application to the designated office within seven (7) calendar days of receipt of the disposition. The application for appeal must identify which of the three grounds forms the basis of the appeal. Students must be in compliance with the disposition at the time of their appeal request and until a final decision on their appeal is rendered.

C. APPEAL PROCEDURE

If the appeal has been submitted within the specified time frame and has identified at least one of the permissible grounds for appeal, the designated University Official will review the complete record of the case, the statements of any parties, or any other information in defense of allegations, and where necessary, may require interviews with the parties involved. The designated University Official will be a neutral decision maker who will conduct the appeal in an impartial manner. The student(s) shall be notified in writing of the decision. The decision of the University Official will be final.

VII. SEXUAL MISCONDUCT POLICY AND PROCEDURE

A. EXECUTIVE SUMMARY

Stony Brook University is committed to fostering diverse and inclusive educational and recreational environments that are safe and accessible, and free of all forms of discrimination, discriminatory harassment and sexual harassment, **including non-consensual sexual contact, sexual violence, dating/ domestic violence, stalking and retaliation toward any individual(s) who reports or participates in the investigation of any alleged incident of sex and/or gender based discrimination.** Such behavior is prohibited, as it violates this CODE and Title IX of the Education Amendments of 1972.

This Policy sets forth the manner in which an allegation of discrimination based on sex/gender, (which includes sexual harassment, non-consensual sexual contact, dating/domestic violence, stalking, and retaliation) will be addressed by the Office of University Community Standards in consultation with the Title IX Coordinator and/or Title IX Investigator.

The University takes all complaints of sexual misconduct very seriously and will respond to all allegations brought to its attention. A complaint may be filed with any of the following offices:

- **Office of University Community Standards (UCS)**
Location: Administration Building, Suite 347
Phone Number: (631) 632-6705
Link: <http://studentaffairs.stonybrook.edu/ucs/index.html>
- **Office of Institutional Diversity and Equity (OIDE)**
Title IX Coordinator Marjolie Leonard
Location: Administration Building, Suite 201
Phone Number: (631) 632-6280
Link: <http://www.stonybrook.edu/diversity/titleix/index.html>
- **Deputy Title IX Coordinators**
Link: www.stonybrook.edu/diversity/titleix
- **University Police Department (UPD)**
Location: Dutchess Hall on South Campus
Phone Number: (631) 632-6350
Link: www.stonybrook.edu/police

Students who wish to speak confidentially about an incident should contact:

- **Counseling and Psychological Services (CAPS)**
Location: 1 Stadium Road
Phone Number: (631) 632-6720
Link: www.studentaffairs.stonybrook.edu/cpo/

- **Complainant Navigator, Samantha Winter**

Location: 1 Stadium Road

Phone Number(s): (631) 457-9981

Email: Samantha.J.Winter@stonybrook.edu

- **SANE (Sexual Assault Nurse Examiner) Program**

Location: University Hospital / Stony Brook Medicine

Phone Number: (631) 444-2499

The SANE Center at Stony Brook University Medical Center provides confidential medical care and a forensic exam by a Sexual Assault Nurse Examiner. SANE services are available within 96 hours of the incident.

Should a complaint result in a University administrative hearing, a Complainant has options regarding their level of involvement in the Review Panel Proceedings (detailed below), which includes but is not limited to:

- Acting as a Complainant and presenting their case to the Review Panel; or
- Acting as a Witness and providing testimony to the Review Panel.

Regardless of which option(s) they choose, the Complainant may further choose to:

- Have a partition between the Complainant and Respondent;
- Teleconference/videoconference into the proceeding; or
- Request another method of shielding.

The Complainant may also choose not to attend the hearing at all.

The level of Complainant's involvement (presence or absence) at the Review Panel Proceedings will not factor into the Review Panel's determination.

B. STUDENTS' BILL OF RIGHTS:

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the University;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few University representatives as practicable and not be

- required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the accused and or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the University;
 9. Access to at least one level of appeal of a determination;
 10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
 11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the University.

The University has outlined in the following pages the sexual misconduct policy and the procedure for adjudicating any allegations when the accused (Respondent) is a student (as defined in Section I).

C. SEXUAL MISCONDUCT POLICY

1. Confidentiality

The Office of University Community Standards (UCS) in collaboration with the Title IX Investigator will conduct the investigation in a confidential manner to the extent practicable and/or permitted by law. The parties and witnesses are expected to cooperate fully in the investigation, and maintain and preserve the confidentiality of the investigation.

Hearings shall be closed to members of the campus community and to the public.

Student disciplinary records, except as hereinafter provided, will be confidential in accordance with Federal and State laws relating to disclosure.

2. Privacy versus Confidentiality

Students who wish to speak confidentially about an incident should contact Counseling and Psychological Services (CAPs) at (631) 632-6720, Stony Brook's Complainant Navigator at (631) 457-9981 or for confidential medical resource, the SANE (Sexual Assault Nurse Examiner) Program at (631) 360-3606. Even Stony Brook University offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for University Community Standards and the Title IX Coordinator and/or Title IX Investigator to investigate and/or seek a resolution as required under Federal and State law. Stony Brook University will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

3. Amnesty

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Stony Brook University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Stony Brook University strongly encourages students to

report domestic violence, dating violence, stalking, or sexual assault to University officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Stony Brook University officials or law enforcement will not be subject to Stony Brook University code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

4. Retaliation

No member of the University community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files any complaint, serves as a witness, assists or participates in a proceeding in any manner. Participants who experience retaliation in a Title IX related matter should report the incident to the Title IX Coordinator and the Office of University Community Standards or University Police Department.

5. Sexual Misconduct

Sexual misconduct, which can occur in many forms, is discrimination on the basis of sex and/or gender, and may occur between people of the same or opposite sex, or who identify as LGBTQ, and it is prohibited. The Parties will be made aware of their Title IX rights and available resources. The following behaviors constitute sexual misconduct:

a. Sexual Harassment

No student shall perform any acts that are considered to be sexual harassment. Sexual harassment encompasses unwelcome sexual advances, unwelcome requests for sexual favors or requests for sexual favors in exchange for some benefit, and/or verbal or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual harassment is a form of sexual discrimination. Sexual harassment occurs when:

- i. Submission to such conduct is made either explicitly or implicitly a term of or condition of any individual's employment or education; or
- ii. Submission to or rejection of such behavior by an individual is used as the basis for employment or educational decisions affecting the individual; or
- iii. A behavior is sufficiently severe and pervasive to interfere with any individual's work or educational performance, or create an intimidating, hostile, or offensive work or educational environment. Such prohibited conduct includes, but is not limited to, unwelcome sexual communication, touching, and non-consensual sexual contact, including but not limited to sexual touching, intercourse, and violence. Examples of sexual harassment include, but are not limited to:
 - Comments
 - Derogatory statements or other verbal abuse
 - Exploitation
 - Graphic or sexually suggestive comments about an individual's attire or body
 - Graphic or sexually suggestive gestures
 - Exposing one's genitals
 - Inquiries or discussions about sexual activities
 - Profanities
 - Sexually suggestive letters or other written materials
 - Slurs

- Teasing
- Touching

b. Non-consensual sexual contact

No student shall perform any acts that are considered to be non-consensual sexual contact. Non-consensual sexual contact is any contact of a sexual nature which is unwanted or unwelcome. Sexual contact with another person without consent (as described in Section VII.C.6. below) is prohibited. Non-consensual sexual contact may include but is not limited to:

- Attempted penetration
- Brushing up against another in a sexual manner
- Fondling
- Grabbing
- Kissing
- Pinching

c. Non-consensual sexual intercourse and/or penetration

No student shall perform any acts that are considered to be non-consensual sexual intercourse and/or penetration. Non-consensual sexual intercourse and/or penetration is any sexual penetration or intercourse that is unwanted or unwelcome. Prohibited conduct includes but is not limited to non-consensual:

- Anal and vaginal penetration and attempted penetration and/or intercourse
- Oral sex or attempted oral sex, or the insertion of a foreign object into the vagina, urethra, penis or rectum of another.
- This also includes what may be referred to as sexual assault, which is also commonly known as “rape,” whether forcible, or non-forcible, “date rape” and “acquaintance rape.” For parties found responsible of violating this Section VII.C.5.c., the available sanctions are suspension with additional requirements and expulsion.

d. Non-consensual physical violent contact during sexual contact

No student shall perform any acts that are considered to be non-consensual physical violent contact during sexual contact. Prohibited conduct includes but is not limited to punching, choking, burning or otherwise intentionally causing serious physical harm without consent of a partner.

e. Dating Violence

No student shall perform any acts that are considered to be dating violence. Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the nature and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary socializing between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not

include acts covered under domestic violence.

Dating violence includes:

- Isolation – Trying to cut off relationships with other family and friends.
- Emotional abuse – Humiliating the Complainant in front of friends, guilt and manipulation if confronted, extreme and persistent jealousy.
- Intimidation – Instilling fear through threatening behavior, verbal aggression, abuse of animals or destruction of property.
- Coercion – Threatening to harm themselves or a third party if demands are not met or the relationship is ended.
- Physical – Using or threatening to use physically assaultive behavior such as hitting, shoving, grabbing, shaking, slapping, beating, kicking, etc.
- Sexual – non-consensual sexual touching or non-consensual sexual activity.
- Harassment – Using electronic media (internet, cell phones, texting, and social media) or other means to keep track of the Complainant.

f. Domestic Violence

No student shall perform any acts that are considered to be domestic violence. Domestic violence is any felony or misdemeanor crime of violence committed by a current and/or former spouse and/or intimate partner of the victim. An intimate partner includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an intimate relationship, including but not limited to, couples who live together or have lived together.

g. Stalking

No student shall engage in stalking. The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means (cyberstalking), with such person(s) in a manner likely to harass, intimidate, annoy, or create a nuisance or alarm.

6. Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

a. Non-consent/ Limitations of Consent

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.

- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by:
 - a physical or mental condition, infirmity or disability that limits informed decision making;
 - the lack of consciousness or being asleep;
 - being involuntarily restrained; or
 - if an individual otherwise cannot consent.
- Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants (whether involuntary or voluntary) may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of immediate or future harm.
- Consent cannot be given when it is the result of the use of physical intimidation to secure compliance with sexual activity.
- Intoxication or impairment of the Respondent is no defense to charges of sexual misconduct.

b. Revocation of Consent

- Consent may be initially given, but it may be revoked/or withdrawn at any time, either verbally, through physical resistance, or by losing consciousness.
- When consent is withdrawn or cannot be given, sexual activity must stop.
- Failure to cease sexual contact promptly in response to a withdrawal of consent constitutes prohibited non-consensual sexual contact.

D. SEXUAL MISCONDUCT PROCEDURES/RESOLVING COMPLAINTS

The Complainant has the right to make a complaint against the Respondent. If charges are brought and a hearing is conducted, a finding of responsibility as to each of the charges must be supported by a preponderance of the evidence; whether it is “more likely than not” that the incident occurred. If the totality of all the information presented meets this standard, then the Respondent will be found responsible.

1. Time Frame

In order to facilitate a timely investigation and processing of complaints, it is preferable that complaints or referrals alleging sexual misconduct be made within thirty (30) days following the date of the incident giving rise to the complaint. The time frame is meant as a guideline; exceptions will be made as deemed appropriate.

The University will conduct a timely review of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution (as outlined below) is expected to take place within sixty (60) calendar days from University’s receipt of the complaint.

The preliminary review of all complaints, including any necessary interviews/investigations and

interim measures, will usually be completed within twenty (20) calendar days of receipt of the complaint.

The subsequent, comprehensive review and investigation of the complaint, including interviews and the gathering of evidence, is usually completed within thirty (30) calendar days from receipt of the complaint.

Stony Brook University will comply with law enforcement requests for cooperation, which may require the Office of University Community Standards and other University offices to temporarily suspend the fact-finding aspect of a Title IX-related investigation while the law enforcement agency is in the process of gathering evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay. Stony Brook University will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process. As necessary, Stony Brook University will implement appropriate interim steps during the law enforcement agency's investigation to provide for the safety of the parties and the University community, and to avoid retaliation.

Results of the complaint/investigation, via either a waiver of charges or directive to appear/notice of charges, are typically issued within forty (40) calendar days of receipt of the complaint. The Review Panel will typically occur within fifty (50) calendar days of the initial complaint.

Timely written or electronic notice will be provided to Complainant(s)/Respondent(s) of any time frame extensions and the reason for the extension. All deadlines and time requirements in the CODE may be extended for good cause as determined by the Director of Office of University Community Standards or designee. Both the Complainant(s) and Respondent(s) will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event.

2. Timely Notice of Meetings

Both parties will be given timely notice of any meeting they are required or eligible to attend.

3. Interim Measures

When deemed necessary the University will take appropriate interim measures concerning the interaction of the parties:

- Pending the investigation process;
- Before the final outcome of the investigation and if applicable,
- Review Panel

Interim measures include but are not limited to:

a. “No-contact” Directive

Imposing a “no contact” directive means that the parties are prohibited from having contact with one another, directly or through proxies, whether in person or via electronic means. Intentional contact with the other party is a violation of University policy and may

result in additional conduct charges.

b. Interim Suspension

Whenever the continued presence of a student charged with CODE violations 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, the Vice President of Student Affairs or designee may issue an Interim Suspension may apply to a portion of the University or the entire campus.

c. Alternate Academic Scheduling

A student's academic schedule may be altered/limited. Limitations include: restricting parties from attending class/classes, reassigning parties to a different class section, allowing parties to attend their scheduled class but with restrictions, allowing students to attend classes but requiring parties to sign in and out, restricting parties from certain areas on campus, restricting parties from campus but allowing parties to fulfill class requirements via internet, restricting parties from attending graduation or other ceremonies, etc.

d. Campus Restrictions

Students may be restricted from: certain areas/buildings/facilities/departments/offices on campus, participating in events/activities/sponsored events, parking and/or driving on campus or in certain areas, or from utilizing certain services including but not limited to, using Stony Brook bus services, etc.

e. Technological Restrictions

Students may be restricted from accessing campus internet or SINC sites, and/or another party's Stony Brook email accounts.

f. Housing Restrictions

Students may be restricted from certain buildings/quads/areas on campus, relocating parties to different room assignments; or have their guest privileges restricted.

g. Employment Restrictions

Employment, including but are not limited to, restricting the dates/times/locations/hours permitted to work.

Both the Complainant and the Respondent may request a prompt review, reasonable under the circumstances, of the need for and terms of any interim measure (b. through g.), including potential modification and shall be allowed to present evidence in support of his or her request.

4. Prehearing Procedure

A University Official will inform the Complainant(s) and Respondent(s) of the scheduled hearing.

a. Complainant Navigator and Respondent Navigator

The Complainant(s) and Respondent(s) will each be assigned a Navigator by the

University. The role of the Navigator(s) is to assist the parties throughout the process. Navigator(s) may be present at any meeting(s) or hearing with their assigned parties but may not engage in any verbal presentation or questioning at the Review Panel.

b. Advisor

In addition to a Navigator, the parties may each select an advisor of their choice. However, the parties may each have only one person at the Review Panel. Advisors for either party may advise or assist but may not engage in any verbal presentation or questioning at the Review Panel. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated above.

c. Investigation

Investigations will be conducted by a University Investigator in accordance with the time frame set forth in Section VII.D.1. The Investigator is a neutral, fact-finding, impartial individual who is trained annually in investigating sexual misconduct complaints. The investigation will include interviews with the parties and witnesses. Both parties will have the opportunity to offer information in support or defense of allegation(s). Students are expected to cooperate with the investigation, however, failure to respond to request for timely meetings will not halt the investigation.

Upon completion of the investigation, the Investigator will prepare a report which the Complainant(s) and Respondent(s) will be permitted to review prior to the hearing.

In circumstances involving the investigation of complaints where the Complainant does not choose to proceed, the University Official reserves the right to continue its investigation regardless of Complainant cooperation or involvement.

d. University's Decision to Proceed

Upon completion of the investigation, the Title IX Coordinator and the Office of University Community Standards shall determine whether there is sufficient evidence to warrant further action. If such evidence exists, the following will occur:

e. Directive to Appear and Notice of Charges

The student charged with an alleged violation of the sexual misconduct policy will be provided written notice indicating the date, time, location, and description of the alleged incident giving rise to the charges and directed to attend a Review Panel on the date cited in the notice. The Review Panel shall be scheduled for no less than ten (10) days from the date of the notice.

f. Waiver of Charges

Respondent may choose to accept responsibility for and not contest the charges against him/her. If this election is made, the student will sign a waiver of their right to a hearing, and must accept the sanction(s) identified in the waiver. A student's decision to waive their hearing and accept the sanction(s) is final and not appealable by the respondent.

g. Information in Support/Defense of Allegations

Information in support/defense of allegations to be presented by Complainant(s) and Respondent(s) during any hearing must be provided to the Office of University Community Standards five (5) days in advance of the scheduled hearing.

The University Official presiding at the Review Panel may exclude information in support/defense of allegation(s) that has not been provided as required above or adjourn the hearing.

The University Official will make the final decision relating to the admissibility of all information in support/defense of allegations.

Written statements in support/defense of the allegations may be considered. First hand oral testimony will be given greater weight than hearsay testimony.

h. Information to be Presented at the Hearing

All written information that will be presented at the hearing will be made available to the parties 48 hours prior to the hearing.

5. Mediation (Dispute, Conflict Resolution)

Mediation is not available for allegations of sexual misconduct.

6. Review Panel Members

a. Attendance at the Review Panel

Those in attendance at the Review Panel may include the Complainant(s), Respondent(s), their navigator or advisor, and witnesses (while giving testimony), the presiding University Official and Review Panel Members. The presiding University Official shall determine whether additional persons may be present. Hearings shall be closed to members of the campus community and to the public.

b. Review Panel Composition

Review Panels are composed of faculty and staff members.

c. Training

All members of the Review Panel, upon receiving notice of appointment, shall be given necessary information about their responsibilities and the means by which they may fulfill them. Review Panel members will receive training and be knowledgeable about sexual violence and confidentiality requirements.

7. Review Panel Hearing

a. Admittance of Prior Sexual/Mental Health History / Disciplinary History

Prior sexual history with anyone other than the parties will not be permitted. Past mental health history will not be permitted. The prior disciplinary history 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(s).

b. Questioning

Parties are prohibited from directly cross examining each other. All questions must be written and directed to the Hearing Officer. All questions must be directly relevant to the incident and policies allegedly violated. The Hearing Officer will ensure that improper questions are dismissed as such.

The university may provide options for testimony without direct contact, including but not limited to a room partition, separate hearing rooms, video conferencing, or phone conferencing.

Each party has the right to ask questions regarding the investigation summary and/or report; parties may also question any witness present.

c. Opening

The presiding University Official states the charges and identifies the individuals present.

d. Challenge

Any party may request and cite cause for the removal of any member of the Review Panel. The Hearing Officer will determine whether the cited cause warrants removal.

e. Plea

The Respondent(s) will be asked to state a plea (i.e., responsible, or not responsible) to each of the alleged violations.

f. Investigation Summary / Report

The University's designated investigator will commence the process by reading and/or summarizing the investigation report and providing the facts of the case.

g. Complainant Presentation

Complainant's presentation should begin with an opening statement describing the alleged conduct. The Complainant(s) may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts. The presentations should also include all information in support of the allegations. The Respondent(s), then the Review Panel members, may question the Complainant(s) regarding the opening statement and information in support of allegation(s).

h. Respondent Presentation

Respondent's presentation should begin with an opening statement, describing the alleged conduct. The presentation should also include all information in defense of allegations. The Complainant(s), then the Review Panel members may question the Respondent regarding the opening statement and information in defense of allegation(s). The Respondent may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts.

i. Witnesses

The Hearing Officer will introduce the witnesses and ask for their statements. The Complainant, then the Respondent, followed by the Review Panel members, may question the witnesses. The parties may only submit written statements from character witnesses. Oral statements from character witnesses will not be permitted.

j. Closing Statement/Impact Statement

After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the Respondent(s) then by the Complainant(s). Both parties may provide an impact statement on how the incident/allegation has affected their University experience. No questioning is allowed during or after closing statements.

k. Deliberation

Upon conclusion of closing statements, the Review Panel reviews all information in support and defense of the allegation to determine the Respondent's responsibility as to each of the charges.

l. Decision

A decision regarding the Respondent(s) responsibility as to each of the charges shall be made by a majority vote of the Review Panel members. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).

m. Recommendation/Determination of Sanction

The Review Panel shall recommend sanctions to the Vice President of Student Affairs or designee. Upon receipt of the recommendations and after review of any previous disciplinary record of the Respondent, the Vice President of Student Affairs or designee in consultation with the Title IX Coordinator will make a final determination of sanctions.

8. Post Hearing Procedure / Notification of Disposition

The disposition of the hearing will be communicated in writing to the parties. The disposition will include the date and time of the hearing, the findings, the sanctions to be imposed, the reason for any sanction imposed, and the method for submitting appeals. Each party has the right to choose whether to disclose or discuss the outcome of a hearing. Unless otherwise required by law, all information obtained during the course of the investigation and hearing shall be protected from public release.

9. Sanctions

The following are sanctions that may be imposed:

a. Verbal Warning

A verbal warning indicates that a student's action was in violation of a specific regulation. It includes an explanation of the regulation and possible consequences in the event of any repeated violations of the CODE.

b. Written Warning

A written warning 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.

c. Restitution

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

d. Special Restriction or Loss of Privileges

Students may be restricted from participating in specified events or activities and may be prohibited from specific areas of the campus, or entering specific facilities and/or offices. A student's access to specific services may also be restricted.

e. Disciplinary Probation

Students may be placed on disciplinary probation for a period of time. Violations of University regulations during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the student may be required to attend periodic meetings with a University Official. The terms of the probation will be tailored to fit the individual circumstances and 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 affiliated entities.

Students placed on disciplinary probation may not hold student staff positions, including but not limited to: Resident Assistant, Office Assistant, Building Coordinator, Orientation Leader, Residential Safety Patrol, Work Crew and Residence Orientation, for the duration of the probationary period.

Students placed on disciplinary probation may not hold student leadership positions, including but not limited to: Undergraduate Student Government, Graduate Student Organization, Residence Hall Association, National Residence Hall Honorarium, and Inter Fraternity and Sorority Council.

f. University or Residential Service & Educational Projects and Programs

Students may be assigned projects, programs and service (hereinafter referred to as "University Service") to the University or affiliated entities. "University Service" will be work performed at a stipulated location within the University and with a stipulated supervisor. The Director of the Office of University Community Standards, 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 satisfactorily complete 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.

g. 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 and is prohibited from using or entering the campus or its facilities. 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 five (5) years, a student may request removal of the notation. Any student suspended will be blocked from registering for classes and must schedule a meeting with the Office of University Community Standards prior to registering/returning to the University.

h. Expulsion from the University

Upon expulsion from the University, a person loses all of the rights and privileges of a student and is prohibited from using or entering the campus or its facilities. 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.

10. Appeal

a. Grounds

Either party may appeal the Review Panel findings on the following limited grounds:

- i. Significant procedural violations;
- ii. Substantial new information in support/defense of allegations; and/or
- iii. The sanction(s) imposed is/are substantially disproportionate to the severity of the violation.

b. Application for Appeal

Students wishing to appeal a disposition must submit a written application to the designated office within seven (7) calendar days of receipt of the disposition. The application for appeal must identify which of the three grounds forms the basis of the appeal. Students must be in compliance with the disposition at the time of their appeal request and until a final decision on their appeal is rendered.

c. Appeal Procedure

If the appeal has been submitted within the specified time frame and has identified at least one of the permissible grounds for appeal the designated Appeals Panel will review all information submitted. The Appeals Panel may also request interviews with the parties involved. The Appeals Panel will provide the student with its decision in writing. The decision of the Appeals Panel will be final.

11. Links

a. Office of University Community Standards (UCS)

<http://studentaffairs.stonybrook.edu/ucs/>

b. Title IX Website

<http://www.stonybrook.edu/diversity/titleix/>

c. Students Bill of Rights

<https://www.stonybrook.edu/diversity/titleix/billofrights>

VIII. RECORDS

A. Student Disciplinary Records

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

B. Maintenance of Records

Student disciplinary records (excluding recordings) 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 of Records

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 be placed on a student's academic transcript in the following cases:

1. All cases in which the sanction imposed is expulsion or suspension from the University (this includes but is not limited to cases in which a student is found responsible for an act of violence that meets the reporting requirements found in the Clery Act at 20 U.S.C. § 1092 (f)(1)(F)(i)(I)-(VIII)⁹ (referred to below as Clery conduct)). A notation will be placed which states, "suspended [or expelled] after a finding of responsibility for a code of conduct violation". Further, if a Respondent withdraws (officially or unofficially) from the University while Clery conduct charges are pending and fails to complete the disciplinary process, a notation will be placed which states, "withdrew with conduct charges pending";
2. An academic dishonesty determination; or
3. When a sanction that is imposed is not completed by the student. In this instance, in addition to an academic transcript notation, an administrative 'block' will be placed on the student's academic record. The transcript notation and the block will be removed upon the completion of the sanction.

Five (5) years after the conclusion of the suspension, or in the case of a sanction imposed and not completed five (5) years from the date that the sanction was due, the Vice President for Student Affairs (or designee), will consider written requests to remove the transcript notation. A transcript notation that a student "withdrew with conduct charges pending" may only be removed by

⁹ Crimes covered under this section of the legislation include: murder; sex offense, forcible or nonforcible; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson.

completing the disciplinary process. Transcript notations of expulsions and academic dishonesty are permanent and requests for removal will not be heard. However, if at any time a finding of responsibility is vacated for any reason, the resulting transcript notation shall be removed.

IX. 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.

X. 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 or as mandated by federal and/or state laws or regulations.