

UNIVERSITY STUDENT CONDUCT CODE

Approved by the Stony Brook Council. Effective August 24, 2015

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 supports 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 Campus Alcohol Policy³ and the Residence Hall/Apartment Terms of Occupancy⁴). 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 See: <http://www.stonybrook.edu/policy/>.

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

³ http://studentaffairs.stonybrook.edu/ucs/policies/alcohol_policy.html.

⁴ http://studentaffairs.stonybrook.edu/res/housing_facilities/communitystandards.shtml.

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 campus 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) 632-7035.

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 the University's Scholarly Misconduct Policy⁵ (as mandated by Federal Law).

⁵ <http://research.stonybrook.edu/research-misconduct>.

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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 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 the State University of New York at Stony Brook 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 campus, campus 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, 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 IIIA.1.g. and II.A.8.a.**
7. **False fire alarms or acts that undermine safety/security equipment or systems.**
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 EXECUTIVE SUSPENSION (found in Section II) may also be invoked.

I. DEFINITIONS

1. **Advisors:** a Complainant and Respondent may each select an advisor of their choice to accompany them during any proceeding. Advisors for either party may only advise and shall not be permitted to present the complaint/defense or cross-examine witnesses. Attorneys may serve as either a Complainant or Respondent's advisor, 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. 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. EXECUTIVE SUSPENSION

The President or designee may, when charges are served, suspend the student or students charged, pending the hearing and determination thereof, whenever the continued presence of such a student would constitute a danger to the student or to the safety of persons or property on the premises of the institution, or his/her presence would pose a threat of disruptive interference with the normal conduct of the institution's activities and functions, or the seriousness of the charges warrants such action, provided that the President or VPSA (designee) shall grant an immediate review (by the end of the next business day after the suspension) on request of any student so suspended with respect to the basis for such suspension, at which time the suspended student shall have the right to present statements tending to show that the basis for executive suspension does not exist. Suspension may apply to a portion of the University or the entire campus.

B. SUSPENSION FROM THE RESIDENCE HALLS/APARTMENTS

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

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

The Assistant Vice President for Campus Residences (designee) or Vice President for Student Affairs (designee) may temporarily reassign a resident to another facility and/or restrict a resident

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

D. TEMPORARY RESTRICTION FROM PERSONAL CONTACT

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

E. WITHDRAWAL PRIOR TO HEARING

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

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 campus 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 campus, 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 perform any acts that harass, annoy, threaten, intimidate, cause fear, or alarm another person or persons. 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 mechanical or electronic means, or any form of written communication with such person(s) in a manner likely to harass, intimidate, annoy or alarm.
- c. Dangerous conditions:** No student shall create a condition that endangers or threatens the safety or well-being of him/her or others. This includes but is not limited to the misuse of devices such as box cutters, laser pointers, 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 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 Policy**

See Section VII.

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.
- 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 judicial process or when completing documents issued by or used by the University for Official Functions or activities. No student shall give false or misleading information that could damage or discredit another person.
- d. **False testimony:** No person shall give false testimony in matters related to the CODE. Violations of this regulation will result in sanctions up to suspension from the University for students, and appropriate disciplinary actions for non-students.
- e. **Misrepresentation:** No student shall represent him/herself falsely, in writing or otherwise, nor shall a student assist another in doing so.
- f. **Misuse of records:** No student shall access, search, copy, steal, forge, or alter University records, documents or other materials or possess such altered, forged or stolen University records, documents or other materials without authorization.
- g. **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 Technology⁶). 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 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,

⁶ <http://www.stonybrook.edu/policy/policies.shtml?ID=109>.

- 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 or designee or the Assistant Vice President for Campus Residences or designee, (if the directive was issued by a Campus Residences staff member) for a rescission of any Official Directive, but 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 organizations⁷ 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

⁷ Please refer to the Fraternity & Sorority Life Relationship Statement.

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 electronic communication devices, such as palm pilots, 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 Assembly⁸ and the Rules of Public Order, Section 535.4, "Freedom of speech and assembly; picketing and demonstrations"⁹.
 - 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 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

⁸ <http://www.stonybrook.edu/policy/policies.shtml?ID=107>.

⁹ <http://studentaffairs.stonybrook.edu/ucs/policies/order.html#view-535.4>.

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.¹⁰
- d. Illegal drug possession, use, sale and the possession of drug paraphernalia.** No student shall possess, use or sell substances defined by New York State or Federal Law as illegal. No student shall possess substances defined as controlled, other than personally prescribed medications, by New York State and/or Federal Law. No student shall introduce to the campus or possess drug paraphernalia including, but not limited to: bong, 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.

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

¹⁰ 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).

The University prohibits the operation of commercial enterprises on campus. Exceptions are made for specific, controlled enterprises that contribute to the convenience and well-being of University members and that conform to established regulations. No student may engage in commercial activities/solicitation without clearance from a duly authorized University Official (i.e. Vice President for Administration or designee).

13. Smoke-Free University

As a reminder, University Policy P112 establishes a “Smoke-Free University” that prohibits smoking in all buildings, in enclosed areas and at certain outdoor locations. As of July 2007, all SUNY campus residence halls and apartment complexes are smoke free. Any resident or guest who wishes to smoke should vacate the building and smoke at least 25 feet from the perimeter of the building. Residence Hall staff will address any suspicion of smoking in the residence halls or apartment complexes and proceed with judicial action if deemed necessary. In addition, under this CODE, the use of electronic cigarettes is prohibited on campus.

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/termsreshalls.shtml.

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 Diversity and Affirmative Action, Title IX Coordinator, Title IX Deputy, University Community Standards, University Police, etc.). A complaint or referral made against a student or students, alleging violation(s) of the CODE, and/or Alcohol Policy, shall be directed to a University Official. In an appropriate case, a University Official may act as a Complainant on behalf of others in enforcing the terms of this CODE. 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 and witnesses (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 counseling or attend a hearing on the date cited in the notice. The hearing shall be scheduled for no less than ten (10) days from the date of the notice.
- b. Disciplinary 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

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

5. Case Preparation

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

6. 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 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 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 may include the Complainant, Respondent, their advisor, witnesses (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 for carrying them out.

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 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 those present in the room, including parties, advisors and witnesses.

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 is asked to state a plea (i.e., responsible or not responsible) to each of the alleged violations.

4. Complainant Presentation

Complainant presentation begins 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 begins with an opening statement describing the alleged violation(s). 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, then by the Respondent. 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. Determination of Sanctions

The presiding Hearing Officer, on consideration of the recommendation of the Hearing Board, shall recommend sanction(s) based upon the extent of responsibility determined, and take into consideration any previous disciplinary record of the Respondent. A University Official will then make a final determination. 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.

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 sanction 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 hold that will be placed on the student's account.

1. Verbal Warning

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

2. Written Warning

A written warning sent by a University Official indicates that a student has committed an infraction of a University regulation and that continued or repeated infractions of the regulations

will result in further disciplinary action.

3. Restitution

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

4. Special Restrictions or Loss of Privileges

Students may be restricted from participating in certain specified events and activities, and may be prohibited from 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

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

- a. A recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and service to the University or its related bodies.
- b. Students found responsible for violations of the CODE and placed on disciplinary probation may not hold student staff positions, 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.
- c. Students found responsible for violations of the CODE and 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.

Violations of University regulations during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the scheduling of periodic meetings with a University Official and/or disciplinary status reports from a University Official may occur.

6. University or Residential Service & Educational Projects and Programs

Assigned projects, programs and service to the University (referred to as “University Service”) or its related bodies may be imposed as a sanction. 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 and must schedule a meeting with the Office of University Community Standards prior to registering/returning.

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

C. APPEAL PROCEDURE

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. All decisions are 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, and stalking**. 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.

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 Diversity and Affirmative Action (ODAA)**
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) at (631) 632-6720 and/or the SANE (Sexual Assault Nurse Examiner) Program (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:

- Presenting their own case to the Review Panel; or
- Having a University Official present their case.

Regardless of which of the two above options 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.

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).

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 institution;
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 institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
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 institution.

C. SEXUAL MISCONDUCT POLICY

1. Confidentiality

The Office of University Community Standards (UCS) staff will conduct its investigation in a confidential manner to the extent practicable and/or permitted by law. Note, however, that the UCS's fact-finding may also be utilized by other offices, including but not limited to Human Resources and Labor Relations. The parties and witnesses are expected to cooperate fully in the investigation, and maintain and preserve the confidentiality of the investigation.

In order to protect confidentiality, 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

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 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 incidents of domestic violence, dating violence, stalking, or sexual assault to institution 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. Complainants 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 of 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. Sexual contact with another person without consent (as described in Section VII.C.6. below) is prohibited. Prohibited conduct includes but is not limited to:

- 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 consensual sexual contact

No student shall perform any acts that are considered to be non-consensual physical violent contact during consensual sexual contact. Prohibited conduct includes but is not limited to punching, choking, burning or otherwise intentionally causing serious physical harm without consent (as described in Section VII.C.5.e. below) 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. 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. 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.

f. Domestic Violence

No student shall perform any acts that are considered to be domestic violence. Domestic violence is any violent crime 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, or persons who are dating or who have dated in the past, including same sex couples.

g. Stalking

No student shall perform any acts (two or more) that directly, indirectly or through third parties harass, annoy, threaten, intimidate, cause fear, or alarm another person or persons. 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 request that conduct charges be filed against the Respondent. 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). Written statements from character witnesses are permitted into the hearing. The prior disciplinary record of the Respondent(s), if any, shall not be considered until a finding of responsibility has been made and such record will be relevant only to a determination of the appropriate sanction(s). (See "Determination of Sanctions" below.)

1. Time Frame

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 with all involved parties and the gathering of evidence, is usually completed within thirty (30) calendar days from receipt of the complaint.

Stony Brook 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 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 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.

Complainant(s)/Respondent(s) will be given timely notice of any substantial meetings regarding the complaint.

The Review Panel Hearing 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. Written Notice (substantial meetings) of Meetings

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

3. Prehearing Procedure

a. Complaint or Referral

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. However, exceptions may be made in extraordinary cases, as deemed appropriate.

b. 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 is to assist the parties throughout the process. Navigator(s) may be present at any meeting(s) or hearing but may not engage in any verbal presentation or questioning at the Review Panel Hearing.

c. 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 hearing. Advisors for either party may advise or assist but shall not be permitted to present the complaint/defense or to cross-examine the other party or any witnesses at the Review Panel Hearing. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated above.

d. Investigation

Investigations will be conducted by a University Investigator in a reasonably prompt time frame. The Investigator is a neutral, fact-finding, and impartial individual that is trained annually in investigating sexual misconduct complaints. The investigation will include interviews and requests for written statements from the parties and witnesses (Complainants/Respondents/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. 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.

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

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.

e. University's Decision to Proceed

After receiving the Investigator's report the Title IX Coordinator and the Office of University Community Standards shall determine whether sufficient evidence warrants further action. If such evidence exists, the following will occur:

f. Directive to Appear

The student charged with an alleged violation of the sexual misconduct policy will be provided written notice describing the date, time and location and factual allegations of charges, possible sanctions, and will be required either to meet with a University Official for disciplinary counseling or attend a Review Panel Hearing on the date cited in the notice. The Review Panel Hearing shall be scheduled for no less than ten (10) days from the date of the notice.

4. Waiver of Charges

Following receipt of a written notice of charges, a Respondent may elect not to contest the charges and to accept responsibility for them. If this election is made, the student may elect to review available evidence in their case file, the student must sign a waiver of their right to a hearing, and must accept the sanction(s) imposed by the University Official. The decision to waive a hearing and accept the sanction is final and not appealable.

5. Interim Measures

The University will take prompt steps to protect the parties as necessary, including taking appropriate interim steps, concerning the interaction of the parties pending the investigation process, before the final outcome of the investigation and if applicable, the Review Panel Hearing. Complainant(s) and Respondent(s) will be informed of their options and responsibilities to avoid contact with the other party. Interim measures include but are not limited to:

a. "No-contact" Directive

Imposing a "no contact" directive means that the parties refrain 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

Imposing an interim suspension if the Respondent is determined to present a continuing threat to the health and safety of the community pending the outcome of a conduct hearing consistent with the University Conduct Code Sexual Misconduct Policy and Procedures.

c. Alternate Academic Scheduling

Directing appropriate University Officials to alter the parties academic scheduling, which includes but is not limited to, 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, restricted 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

Campus restriction include, but are not limited to restricting parties from certain areas/buildings/facilities/departments/offices on campus, restricting parties from participating in events/activities/sponsored events, dining facilities, and/or Campus Recreation Center, restricting students from parking and/or driving on campus or in certain areas, restricting a student's access to certain areas, using Stony Brook bus services, etc..

e. Technological Restrictions

Technological restrictions include, but are not limited to restricting parties from accessing campus internet or SINC sites, and/or other party's Stony Brook email accounts.

f. Housing Restrictions

Housing restrictions include but are not limited to, prohibiting parties from certain buildings/quads/areas on campus, relocating parties to different room assignments, restricting parties from guest privileges, etc.

g. Employment Restrictions

Employment restrictions, which include but are not limited to, restricting parties from employment, restricting dates/times/locations/hours permitted to work at their employment, etc.

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, including potential modification and shall be allowed to present evidence in support of his or her request.

6. Mediation (Dispute, Conflict Resolution)

Mediation is not available for allegations of sexual misconduct.

7. Case Preparation

A University Official informs the Complainant(s) and Respondent(s) of the rights and responsibilities they will have in the scheduled hearing. Distribution of information that will be presented at the hearing will be given no more than 48 hours prior to the hearing.

8. Information in Support/Defense of Allegations

Information in support/defense of allegations 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 the Review Panel Hearing may exclude information in support/defense of allegation(s) that has not been previously shared or adjourn the hearing to afford all parties the opportunity to review information in support/defense of allegation(s) to be presented during the review panel hearing.

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

Information in support/defense of allegation(s), including written statements, may be considered. First hand oral testimony subject to cross examination will be given greater weight than hearsay testimony.

9. Review Panel

In cases involving sexual misconduct, only faculty and staff members will review the charge(s) and determine whether there has been a violation of the CODE.

a. Attendance at the Review Panel Hearing

The level of complainant's involvement (presence or absence) at the review panel hearing will not be a factor in determining the decision or outcome of the hearing.

Those in attendance at the review panel hearing should include the complainant(s), respondent(s), their navigator or advisor, and witnesses (while giving testimony), the presiding University Official and Board (when assigned). 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. Purpose

Review Panel Board is established for the purpose of hearing charges of violations of the Sexual Misconduct Policy.

c. Review Panel Board/Composition

Only faculty and staff members will review the charges and determine whether there has been a violation of the CODE in cases involving allegations of sexual misconduct. Level I, II & III violations of sexual misconduct require a review panel board composed of three

(3) members and a designated Administrative hearing officer. Members of the review panel board are selected from the review panel board pool.

d. Term of Service

All review panel 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 or designee.

e. Training

All members of the Review Panel Board, upon receiving notice of appointment, shall be given necessary information about their responsibilities and the means for carrying them out. Review Panel Board members who will be reviewing charges of sexual misconduct will receive training or have adequate knowledge about sexual violence and confidentiality requirements.

10. Review Panel Hearing

a. Admittance of Prior Sexual/Mental Health History

Parties will have the right to exclude their prior sexual history or past mental health history from admittance in the University's disciplinary stages that determines responsibility. Past sexual violence finding(s) may be admissible in the disciplinary stage that determines sanction.

b. Questioning

Parties are prohibited from directly cross examining the other party. All forms of questions must be directed to the hearing officer, who in turn will direct the question to the appropriate party.

The university may provide options for allowing due process/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 of the other party and of any other witnesses present.

Parties may also ask questions 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.

c. Opening

The presiding University Official states the alleged charges and identifies parties, advisors and witnesses.

d. Challenge

Review Panel 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 Panel. The Hearing Officer will determine whether the cited cause warrants removal.

e. Plea

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

In cases involving an allegation of sexual misconduct, the University's designated investigator will commence the process by reading and/or summarizing the investigation report, providing the facts of the case, and submitting any documentary and/or physical materials that were obtained during the investigation. The investigator's report will be given to the review panel and parties in prior to the review date.

f. Complainant Presentation

Complainant presentation begins with an opening statement describing the alleged violation(s). Information in support/defense of allegations submitted by complainant(s) will be provided to a University Official or Review Panel. In cases involving an allegation of sexual misconduct, the complainant(s) may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts. The respondent(s), then the presiding University Official or Review Panel members, may question the complainant(s) regarding the opening statement and information in support/defense of allegation(s). Complainant's witness(es) individually present oral statements. The complainant, then the respondent, followed by the presiding University Official or Review Panel members, may question the witness(es).

g. Respondent Presentation

Respondent presentation begins with an opening statement, describing the alleged violation(s). Information in support/defense of allegations submitted by the respondent will be provided to a University Official or Review Panel. The complainant(s) then the presiding University Official or Review Panel members may question the respondent regarding opening statement and information in support/defense of allegation(s). In cases involving an allegation of sexual misconduct, the respondent may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts. The respondent's witness(es) individually present oral statements. The respondent followed by the Presiding University Official or Review Panel members may question the witness(es).

h. 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). Closing statements may include an impact statement on how the incident/allegation has affected their University experience. No questioning is allowed during or after closing statements. This concludes the hearing/panel procedure.

i. Deliberation

A review of information in support/defense of allegations is conducted by the hearing board or by the presiding University Official (in a non-board hearing) to determine respondent(s)' responsibility as to each of the charges. The presiding University Official will act as a non-voting facilitator when conducting a board hearing/panel review.

j. Decision

Upon a review of the totality of the information 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 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). The complainant(s) shall have the burden of presenting sufficient credible factors including testimony, documentary and/or physical material supporting the allegation to support such a decision.

k. Recommendation/Determination of Sanction

The presiding University Official, upon consideration of the recommendation of the Review Panel shall recommend sanctions based upon the extent of responsibility as found and any previous disciplinary record of the respondent(s). A University Official will make a final determination. (See Section V: Disciplinary Sanctions in the University Student Conduct Code)

11. Post Hearing Procedure

a. Notification

The decision will be communicated in writing to the respondent(s) charged and to the complainant(s) by the presiding University Official (or designee). Written notification (disposition) will include the date and time of the hearing, the findings, the sanctions to be imposed, and the reason for any sanction imposed. If the respondent(s) charged is/are found responsible and a sanction is to be imposed and the reason for any sanction imposed, the notification (disposition) shall also inform the respondent(s) of the right to an appeal and the method for submitting the appeal. (See Section VI: Appeals in the University Student Conduct Code.) Each party has the right to choose whether to disclose or discuss the outcome of a hearing. The right to have all information obtained during the course of the conduct or discipline process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

b. Hearing Documents

A written disposition summarizing the main points of the proceedings and information in support/defense of allegations presented during the hearing become part of the official record. Recordings made during board hearings/panel review also become part of the official record. These materials are confidential. They are made available, in cases of appeal and upon request, to the designated University Official or board/panel hearing the appeal and to the student(s) requesting the appeal.

c. Enforcement

The presiding University Official and other designated University Officials will ensure that any sanctions imposed are carried out on behalf of the University.

12. Determination of Sanctions

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

13. Possible Sanctions

a. Verbal Warning

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

b. Written Warning

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

c. Restitution

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

d. Special Restriction or Loss of Privileges

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

e. Disciplinary Probation

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

- i. A recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and service to the University or its related bodies.
- ii. Students found responsible for violations of the CODE and 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.
- iii. Students found responsible for violations of the CODE and 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.

Violations of University regulations during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the scheduling of periodic meetings with a University Official and/or disciplinary status reports from a University Official may occur.

f. University or Residential Service & Educational Projects and Programs

Assigned projects, programs and service (hereinafter referred to as "University Service") to the University or its related bodies may be designed as a sanction. "University Service" will be work performed at a stipulated location within the University and with a stipulated supervisor. The Director of 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 complete satisfactorily an assigned project, program or service will result in the notation Conduct penalty not completed on the academic record. The notation will be removed upon completion of the assigned educational project, program or service.

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 and must schedule a meeting with the Office of University Community Standards prior to registering/returning.

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.

14. Appeal

a. Grounds

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

c. Appeal Procedure

The designated University Official will review the complete record of the case, the statements of any parties, or any other information in support/defense of allegations, and where necessary, may require interviews with the parties involved. The student(s) shall be notified in writing. The decision is final. The designated University Official will be a neutral decision maker who will conduct the appeal in an impartial manner.

15. Links

a. Office of University Community Standards (UCS)

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

b. Title IX Website

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

c. Office of Civil Rights: Question and Answers on Title IX and Sexual Violence

<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

d. 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 only be placed on a student's academic transcript in cases involving expulsion or suspension from the University; in the case of an academic dishonesty violation; or, in the case in which a penalty duly levied was not carried out by the student, a registration block will be placed on their academic record. In the latter case, the transcript notation and the registration block will be removed upon the completion of the action required by the penalty. The Vice President for Student Affairs (designee), after five (5) years, will consider written requests for removal of disciplinary action on an academic transcript in cases of suspension from the University or in case of any penalty duly levied and not carried out by the student.

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.