ACADEMIC STANDING AND ACADEMIC DISHONESTY

Academic Dishonesty. Cases involving undergraduates in the College of Arts and Sciences, the College of Business, the School of Journalism and the School of Marine and Atmospheric Sciences, and offenses not linked to a particular course are heard by the Academic Judiciary Committee. Academic Standing and Appeals for the College of Arts and Sciences, the College of Business, the School of Journalism, the School of Marine and Atmospheric Sciences and undergraduate dismissals from the University on other academic grounds are heard by the Committee on Academic Standing and Appeals (CASA). Both of these committees function out of the Office of Undergraduate Academic Affairs (Melville Library, Room E3310). Refer to your Undergraduate Bulletin or call the Office of Undergraduate Academic Affairs (631) 632-7080 for information.

Cases relating to academic standing or academic dishonesty involving undergraduates in the College of Engineering and Applied Sciences are heard by the CEAS Committee on Academic Standing and Appeals. Call the College's Undergraduate Student Office (631) 632-8381 for information.

Such cases involving graduate students are under the purview of the Graduate School. Call that office (631) 632-7035 for information. Regarding cases involving students in the School of Professional Development and Continuing Studies (SPD), call the SPD Office (631) 632-7050 for information.

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

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

UNIVERSITY STUDENT CONDUCT CODE AND CAMPUS POLICIES

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

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

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

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

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

Title IX prohibits sex discrimination in all forms, which includes sexual harassment, non-consensual sexual contact and non-consensual physical violence, dating violence, domestic violence, and specific instances of stalking. All Title IX related matters will be reported to the Stony Brook University Title IX Coordinator, Marjolie Leonard, the Director for Title IX and Risk Management. The Title IX Coordinator’s contact information is:

Office of Diversity and Affirmative Action (ODAA)
201 Administration Building, Telephone number: (631) 632-6280, Email: Marjolie.Leonard@stonybrook.edu or TitleIX@stonybrook.edu

Title IX matters involving students should also be reported to the Office of University Community Standards, which is located at 347 Administration Building or via phone, at (631) 632-6705.

For additional information on Title IX, visit: http://www.stonybrook.edu/titleix.

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

1. **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.
2. Endangering mental or physical health (hazing) as defined in II.A.1.g. and II.A.9.b.
3. Physical assaults resulting in injury requiring medical attention.
4. Discriminatory or bias-related acts of assault or abuse.
5. Brandishing, threatening or injuring with a weapon (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).
6. Attempts to set or intentionally setting fires that may result in damage or injury.
7. False fire alarms or acts that undermine safety/security equipment or systems.
8. Sales or possession of a saleable quantity of illegal drugs as defined by law.
9. 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.
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. Any unauthorized use of a master or control key.
12. Unauthorized use of computing and network facilities.

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 may also be invoked.

Summary of Student Conduct Process

I. DEFINITIONS

1. "Complainant". Any member of the University community or visitor to the campus who initiates and/or later presents such complaint to a designated hearing official or body. A University Official may serve as a complainant on behalf of others in enforcing the terms of this CODE.
2. "Respondent". Any University student or resident who is charged with an alleged violation of the CODE.
3. "Advisors and Advocates” The respondent and complainant may each select an advisor of their choice. Advisors for either party to the case may only advise and shall not be permitted to present the complaint/defense or cross-examine witnesses. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated above. In cases alleging sexual misconduct, each party will be assigned an advocate. The advocate will assist their assigned party throughout the disciplinary process and will act as each party’s advisor at any hearing held. The respondent and complainant may elect to have the advocate serve in the capacity of the advisor during the hearing process.
4. "Hearing Officer". A designated University Official who is authorized to preside over the hearing process and impose sanctions when appropriate.
5. "President" and "Vice President for Student Affairs" used within this CODE shall
be deemed to mean and include any person authorized to exercise the powers of
those officials by designation or during a vacancy of their positions or during the
absence or disability of the incumbent.

6. The Vice President for Student Affairs and the Assistant Vice President for
Campus Residences, sometimes called herein "VPSA" or "AVPCR", shall
designate "University and Residential Hearing Officer(s)" for the purposes of
administrative hearings. Both University and Residential Hearing Officers are
responsible for carrying out the provisions of the CODE, unless this responsibility
is otherwise assigned.

7. "Level I" violations of the CODE and Alcohol Policy are those for which the
sanctions may include one or a combination of one or more of the following:
verbal warning, written warning, restitution for State property, imposed
reassignment, special restrictions or loss of privileges, disciplinary probation,
University or Residential Service Educational Projects and Programs, or
suspension from the residence halls/apartments for up to one semester. Level I
violations will generally be heard by a University Official.
"Level II" violations are those for which the sanctions may be, in addition to those
listed in Level I, suspension from the residence halls/apartments beyond a
semester or expulsion from the residence halls/apartments. Level II violations will
generally be heard by a board composed of faculty, staff and students.
"Level III" violations are those for which the sanctions may be, in addition to
those listed in Level I and Level II, suspension or expulsion from the University.
Level III violations will generally be heard by a board composed of faculty, staff
and students.

8. Unless otherwise specified, the term "University Official" shall include faculty or
staff members (e.g., Residence Hall Directors, Quad Directors, Quad/Apartment
Service Managers, University Police Officers, Security Service Assistants)
exercising their assigned duties and may include student staff such as 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.

9. "Student". Any person who has accepted admittance to the University for student
status or who is currently registered or enrolled as an undergraduate or graduate
student or certificate program participant, whether matriculating or non-
matriculating, full-time or part-time, resident or commuter, paid or delinquent, or
who has a pending appeal of an academic dismissal. Such a person shall also be
considered a "student" during intersession/summer periods and University-
sponsored commencement events in which he or she is a participant.

10. A "guest" is someone who is visiting a student. A "residential guest" is someone
who is visiting a resident and who is not a contracted resident of the specific
room, residence hall, or apartment.

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

II. RULES OF STUDENT CONDUCT

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

1. Respect for Persons
Treating people with respect means acting always in a manner that enhances the safety, freedom and well-being of others. The nature and history of the relationship between the parties involved in alleged violations of this CODE shall in no way diminish the seriousness of incidents. The following violations of this CODE are specifically prohibited.
   a. Offenses against persons. No student shall threaten, assault, haze, 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, 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.

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
This procedure applies to all complaints alleging sex discrimination, 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, against employees, students or guests. 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 sex or who identify as LGBTQ, and it is prohibited. Complainants will be made aware of their Title IX rights and available resources.

Time Frame
The University will conduct a timely review of all complaints of sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and/or penetration, non-consensual physical violent contact during consensual sexual contact, domestic violence, dating violence, and/or stalking. Absent extenuating circumstances, review and resolution 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 to be conducted and any necessary interim measures to be put in place, 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 gathering of evidence, is usually completed within thirty (30) calendar days of receipt of the complaint.

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 Administrative hearing/Review Panel will typically occur within fifty (50) calendar days of the initial complaint.

Concurrent written notice of the outcome/result of the complaint and the rationale for the result and sanctions will be provided to both the complainant and the respondent. The complainant and respondent shall also receive notice of the appeal procedures available, any possible changes to the outcome/results that may occur before it becomes final, and when the outcome/result becomes final.

Written 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 respondent and the complainant will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or event.

Complainant(s)/respondent(s) may appeal the hearing board/review panel disposition. Any appeal must be submitted, to the appeals officer assigned, within seven (7) calendar days of receipt of the written result. Absent extenuating circumstances, decisions on appeals are typically issued within ten (10) days of receipt of the appeal.

**Consent**

**Definition of Consent**

*Consent is the agreement to engage in specific sexual contact, which may be given by verbal agreement or active and willing participation in the sexual activity. “No” or any other negative statement or acts/physical gestures supporting the desire to cease contact in response to sexual contact or an invitation to sexual contact will be regarded as a denial of consent to such sexual contact.

- Consent to sexual contact or any specific sexual act cannot be given if an individual is:
  - under the age of 17 and/or
  - physically or mentally incapacitated because of a physical or mental condition or infirmity and/or under the influence of drugs or alcohol.
Limitations of Consent

• If a person is unconscious or asleep, substantially impaired by alcohol or drugs, they cannot give consent. Intoxication or impairment of the respondent is no defense to charges of sexual misconduct.
• Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.
• Past consent does not imply future consent; past or current relationships are not an indication of consent.
• Silence or an absence of resistance does not imply consent.
• The use of alcohol and/or drugs is not an indication of consent.
• The use of force, threat of force, threat of immediate or future harm, or use of physical intimidation to secure compliance with sexual activity is evidence of lack of consent.

Revocation of Consent

• Consent may be initially given, but it may be revoked at any point, either verbally, through physical resistance, or by losing consciousness.
• Failure to cease sexual contact promptly in response to a withdrawal of consent constitutes prohibited non-consensual sexual contact.

The University considers the following violations of the CODE as extremely serious and subject to SUSPENSION and/or EXPULSION from the University. In such cases, the Exceptional Procedure of EXECUTIVE SUSPENSION also may be invoked.

a. 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 harassment is a form of sexual discrimination. Sexual violence is a form of sexual harassment.

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 may be in the form of:

• 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
b. Non-consensual sexual contact. Non-consensual sexual contact is any contact of a sexual nature which is unwanted or unwelcome. Non-consensual sexual contact may include but is not limited to:
   • attempted penetration
   • brushing up against another in a sexual manner
   • cornering
   • fondling
   • grabbing
   • graphic or sexually suggestive gestures
   • kissing
   • pinching

c. Non-consensual sexual intercourse and/or penetration is any sexual penetration that is unwanted or unwelcome. Sexual contact with another person without consent 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.”

d. Non-consensual physical violent contact during a consensual sexual contact. Prohibited conduct includes but is not limited to punching, choking, burning or otherwise intentionally causing serious physical harm without consent of a partner is prohibited.*

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

f. Domestic Violence. No student shall perform any acts that are considered to be domestic violence. Domestic violence is any violent felony or misdemeanor 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.

Resolving Complaints of Sexual Misconduct, Investigation and Adjudication.
(Refer to section III. Hearing Process)
Complaints of Sexual Misconduct shall be received, investigated and adjudicated pursuant to the Stony Brook University Discipline Procedures. The Office of University Community Standards, after consultation with the complainant, shall determine which procedures shall be applied to receive, investigate and adjudicate the complaint. The prior sexual experiences of the complainant will not be considered in the adjudication process. The investigation and complaint resolution will be conducted in a reasonably prompt time frame.

3. Respect for Property
Respect for property means recognizing not only the ownership rights of persons and of the University, but also the dependence of all on the availability and preservation of necessary facilities and equipment.
   a. Offenses against property. No student shall take, possess, damage, litter or deface (with graffiti, graffiti instruments, or otherwise 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.
   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:
      * Deregistration from classes
      * Loss of early registration status
      * Removal from campus including cancellation of campus housing
      * Loss of financial aid

5. **Security of Buildings, Facilities, the Campus, and Motor Vehicle/Parking Regulations**
Students may enter and use all campus buildings and areas for the purposes assigned to these facilities and places. Exceptions to this rule may be made in the interests of safety, personal use and privacy, protection of valuable materials and equipment or to regulate access according to the hours that are normal for their assigned functions. When buildings or spaces within them are officially closed or restricted, limited access applies to all students unless specifically accepted.
   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 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 the campus, the student assumes responsibility for the conduct of that guest. Guests shall adhere to all campus policies including, but not limited to, the Rules of Public Order, the University Student Conduct Code, alcohol and drug policies, building/facility guest policies, and motor vehicle/parking regulations. Guests must be escorted, by their host, at all times.

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, e.g., propping open outside doors, unlocking lounge windows, using windows or balconies to enter and exit buildings, using unauthorized doors for entering or leaving the building.

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

6. Integrity of Transactions and Records

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

a. Identification cards. Students are required to carry and present valid University identification when requested to do so by authorized University Officials.

b. False identification. No student shall materially alter or forge any identification card or other document evidencing identification, including identification presented to show proof of age. A violation of this section shall result in a confiscation of such identification card and referral to the appropriate issuing agency or governmental authority.

c. False information. No student shall give false or misleading information during any part of a judicial process or when completing documents issued by or used by the University for Official Functions or activities. No student shall give false or misleading information that could damage or discredit another person.
d. False testimony. No person shall give false testimony in matters related to the CODE. Violations of this regulation will result in sanctions up to suspension from the University for students, and appropriate disciplinary actions for non-students.

e. Misrepresentation. No student shall represent him/herself falsely, in writing or otherwise, nor shall a student assist another in doing so.

f. Misuse of records. No student shall access, search, copy, steal, forge, or alter University records, documents or other materials or possess such altered, forged or stolen University records, documents or other materials without authorization.

g. Unauthorized use of services. No student shall take or use any services without authorization.

7. Responsible Use of Information Technology

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

a. Students are not permitted to establish servers on non-university owned machines using campus facilities.

b. No user shall view, copy, alter, 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. Permitting unauthorized access: Students shall not run, operate or otherwise configure software or hardware to intentionally allow access by unauthorized users.

g. The deliberate attempt to degrade or compromise in any manner the performance of a computer system or network or to deprive authorized personnel of resources or access to any Stony Brook computer or network is prohibited. Breach of security includes, but is not limited to: configuring software or hardware to intentionally allow access by unauthorized users, creating or knowingly propagating viruses, hacking, password cracking, unauthorized monitoring of electronic communications, or unauthorized viewing of other’s files.

h. Abuse of campus computer resources is prohibited and includes, but is not limited
to: propagating chain letters, posting a message to multiple list servers, distribution lists, or 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, 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.

For additional information visit: http://www.stonybrook.edu/policy/policies.shtml?ID=109

8. Official Directives
Within the University, authority is delegated specifically to some individuals and some official bodies to direct the action of other members of the University, in fulfillment of legitimate purposes and functions of the institution. Students shall comply with the directives of University Officials (Paragraph 8 under “Definitions”) exercising assigned duties. Students may appeal to the Vice President for Student Affairs or designee or the Assistant Vice President for Campus Residences or designee, (if the directive was issued by a Campus Residences staff member) for a rescission of any official directive, but 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.

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 organizations may not use the University name, logo, equipment, or facilities. Student recruitment and/or related activities by an unrecognized organization may not take place, nor may University students take part in recruitment and/or related activities on behalf of any alter ego organization used to veil or disguise the activities of an unrecognized organization. Students may not join fraternities, sororities or other campus organizations whose campus recognition has been withdrawn or suspended, either temporarily or permanently.

3. Any violation of this policy may result in individual and/or group sanctions, such as the extension of the current suspension; suspension or permanent expulsion of individual(s) from the University, and/or the suspension or permanent expulsion of the organization from future campus recognition. Individuals or groups may be required to attend mandatory educational programs. For additional information, see Student Handbook's "Hazing" section, the University Student Conduct Code, the Relationship Statement between the State University of New York at Stony Brook and (It’s Affiliated) Fraternities and Sororities, and the Student-Athlete Handbook.

c. Students bringing beepers, cell phones or other communication devices into a (1) class, (2) university event, or into (3) quiet places on campus must turn off the audible signal prior to entering. If a student feels that he or she must use an item that might disrupt class, the student must discuss the matter with the instructor 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 the University’s policy (P107R), “Public Assembly”, and the Rules of Public Order, Section 535.4 “Freedom of speech and assembly; picketing and demonstrations.”

http://studentaffairs.stonybrook.edu/ucs/order.shtml#535.4

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, New York State and Local laws and expects students to adhere to them. The University recognizes that illegal alcohol and drug use is

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1 Please refer to the Fraternity & Sorority Life Relationship Statement
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 law.

a. Alcoholic beverages. New York State Law and the Policy for On-Campus Sales, Service and Consumption of Alcoholic Beverages prohibit the sale, giving and serving of alcoholic beverages to those under the age of 21, and their guests, even if the guest is over the age of 21. Campus Alcohol Policy prohibits the possession and consumption of alcoholic beverages by those under the age of 21. The unauthorized consumption of alcohol or unauthorized possession of an open container of alcohol or public intoxication is prohibited. All students, residents and guests must comply with the Policy for On-Campus Sales, Service and Consumption of Alcoholic Beverages. Copies of the Campus Alcohol Policy are available in the Department of Student Union and Activities, Division of Campus Residences, and the Office of the Vice President for Student Affairs, Executive Area and the Stony Brook University website.

1. Excessive consumption-bulk containers. To discourage excessive consumption of alcoholic beverages, bulk containers of alcohol larger than one gallon (e.g., kegs, beer balls, punch bowls, bottles, draft containers of wine, etc.) are prohibited.

2. Excessive consumption. 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. Section 1192-a. Operating a vehicle after having consumed alcohol; under the age of 21; per se. (Effective November 1, 1996, S5960, Chapter 196 of the Laws of 1996). No person under the age of 21 shall operate a motor vehicle after having consumed alcohol as defined in this section. For purposes of this section, a person under the age of 21 is deemed to have consumed alcohol only if such person has .02 of one per centum or more but not more than .07 of one per centum by weight of alcohol in the person’s blood, as shown by
chemical analysis of such person’s blood, breath, urine, or saliva, made pursuant to the provisions of section 1194 of this article.

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: bongs, water pipes, roach clips, blunts or hypodermic needles (not specifically for the administering of prescribed medications).

e. Gambling. No student shall gamble for money or other valuables on University property or in any University facility except as part of an authorized fundraising activity.

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

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

13. Smoke-Free University
University Policy P112 establishes a “Smoke-Free University” that prohibits smoking in all buildings, in enclosed areas and at certain outdoor locations. As of July 2007, all SUNY campus residence halls and apartment complexes are smoke free. Any resident or guest who wishes to smoke should vacate the building and smoke at least 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.

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
III. ADMINISTRATIVE HEARING PROCESS/ REVIEW PANEL

A. Prehearing Procedures
All alleged violations of the CODE will be reviewed in accordance with the hearing/review panel procedures outlined below.

1. Complaint or Referral
Any member of the University community (student, staff or faculty) may make a complaint and/or referral or offer information concerning such complaint and/or referral to the appropriate office (i.e. Dean of Students, Division of Campus Residences, Office of Diversity and Affirmative Action, Title IX Coordinator, University Community Standards, University Police). 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 of sex discrimination (including 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 stalking) will be referred to the Title IX Coordinator. All others 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 (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 cases alleging a potential sexual misconduct violation, an investigation will be conducted, culminating in a report that will be presented to complainant(s) and respondent(s). All parties will be able to present their arguments to the review panel.

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 Counseling. Disciplinary Counseling is a meeting between a student involved in an alleged violation of the CODE and a University Official. In some cases, the meeting may resolve the matter and sanctions will be imposed.

4. Waiver
Following receipt of a notice of charges, a student may elect not to contest the charges and to accept responsibility for them. If this election is made, the student must sign a waiver of 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/review panel.

6. Significant Factors Including Testimony, Documentary and/or Physical Material Supporting the Allegation

Significant factors including testimony, documentary and/or physical material supporting the allegation 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 and/or hearing the case or the review panel may exclude significant factors including testimony, documentary, and/or physical material supporting the allegation that has not been shared or adjourn the hearing to afford all parties the opportunity to review significant factors including testimony, documentary, and/or physical material supporting the allegation to be presented during the hearing.
   ● The University Official presiding at and/or hearing the case will make the final decision relating to the admissibility of all significant factors including testimony, documentary, and/or physical material supporting the allegation.

Hearsay significant factors including testimony, documentary, and/or physical material supporting the allegation, including written statements, may be considered. First hand oral testimony subject to cross examination will be given greater weight than hearsay testimony.

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).
The prior disciplinary record of the respondent(s), if any, shall not be considered until a
finding of responsibility has been made and such record will be relevant only to a
determination of the appropriate sanction. (See "Determination of Sanctions" at Section
V.) Written statements from character witnesses are permitted into the hearing.

7. Complainant and Respondent Advisors/Advocates
The complainant(s) and respondent(s) may appear at the hearing with an advisor of their
choice. In cases of sexual misconduct an advocate will be assigned. 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 should include the complainant(s), respondent(s), their advocates,
and witnesses (while giving testimony), the presiding University Official and Board
(when assigned). A University observer may be present. The presiding University
Official shall determine whether additional persons may be present.

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

B. Hearing Officers/Boards

1. Purpose. Hearing boards are established for the purpose of hearing charges of
violations of the rules set forth in this CODE.
2. The Hearing Board Pool. A hearing board pool shall be selected from members
of the University community (students, faculty, and staff).
3. Review Panel. In cases involving sexual misconduct, only faculty and staff
members will review the charges and determine whether there has been a
violation of the CODE.
4. Composition. Members of the hearing boards are selected from the hearing board
pool. For Level I violations, a designated University Official may recommend a
case be heard by a student hearing board. Level II & III violations require a
combined hearing board composed of three to five members from the hearing
board pool. During intersession or summer sessions or other periods when
students, faculty or staff are not available, the hearing board will be composed of
at least one (1) student and one (1) faculty or staff member.
5. Term of service. All hearing board/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 (designee) or the Assistant Vice President for
Campus Residences (designee).
6. Student eligibility. All students, full or part time, shall be eligible for recruitment
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 or the University. Students with a disciplinary
record may be required to meet with a University Official and their application may be denied.

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

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, a hearing board, or in the cases of sexual misconduct a review panel. 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 the University determines a case is of a sensitive nature, the University may provide options for allowing due process without direct contact, including using a room divider, using separate hearing rooms, or directly cross examining the other party. The hearing procedures generally include the following basic steps:

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

2. Challenge. Hearing board/Review Panel 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/Panel. The Hearing Officer will determine whether the cited cause warrants removal.

3. 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.

4. Complainant presentation. Complainant presentation begins with an opening statement describing the alleged violation(s). Significant factors including testimony, documentary and/or physical material supporting the allegation submitted by complainant(s) will be provided to a University Official, Hearing Board, 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 Hearing Board/Review Panel members, may question the complainant(s) regarding the opening statement and significant factors supporting the allegation. Complainant's witness(es) individually present oral statements. The complainant, then the respondent, followed by the presiding University Official or Hearing Board/Review Panel members may question the
witness(es).

5. Respondent presentation. Respondent presentation begins with an opening statement, describing the alleged violation(s). Significant factors including testimony, documentary and/or physical material supporting the allegation submitted by the respondent will be provided to a University Official, Hearing Board, or Review Panel. The complainant(s) then the presiding University Official or Hearing Board/Review Panel members may question the opening statement. 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 Hearing Board/Review Panel members may question the witness(es).

6. Closing statements. After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the complainant(s), then by the respondent(s). No questioning is allowed during or after closing statements. This concludes the hearing/panel procedure.

7. Deliberation. A review of significant factors including testimony, documentary and/or physical material supporting the allegation 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.

8. 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 Hearing Board/Review Panel members in the case of a board hearing or Review Panel and by the presiding University Official in the case of a non-board hearing. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (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.

9. Determination of sanction. The presiding University Official, on consideration of the recommendation of the Hearing Board/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)

10. Hearing Documents. A written disposition summarizing the main points of the proceedings and significant factors including testimony, documentary and/or physical material supporting the allegation 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.

11. Notification. The decision will be communicated in writing to the student(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, and the sanctions to be imposed, if any. If the student(s) charged is/are found responsible and a sanction is to be imposed, the notification (disposition) shall also inform the student(s) of the right to an appeal and the method for submitting the appeal. (See Section VII.)

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

IV. Mediation and Arbitration

A. Mediation (Dispute, Conflict Resolution)
Mediation is a process available for resolving disputes between individuals or groups (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 judicial process for certain types of conflicts. The mediator's role is to facilitate a written agreement between or among parties in conflict. Mediation agreements are enforceable as official directives, and failure to comply with an agreement may be a violation of the CODE. When a satisfactory agreement cannot be reached through mediation, any party may refer the complaint for judicial action.

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

V. Disciplinary Sanctions

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

B. Multiple or Repeated Violations
More serious sanctions may be imposed for multiple or repeated violations.

C. Sanctions Pertaining to All Students
The following sanctions will apply once a determination has been made. Failure to complete a sanction may result in a hold that will prevent future class registration.
1. **Verbal warning**

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

2. **Written warning**

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

3. **Restitution**

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

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

   Students may be restricted from participating in certain specified events and activities and may be prohibited from certain areas of the campus, entering certain facilities and offices. Student’s 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 during which a student who has been in difficulty has an opportunity to demonstrate that he/she can act as a responsible and effective member of the University community. The terms of the probation may be varied to fit the individual circumstances.

   1. Terms of probation may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and service to the University or its related bodies.
   2. 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.
   3. 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.
   4. Probation follow-up may include the scheduling of periodic meetings with a University Official and/or disciplinary status reports from a University Official.
   5. Violations of University regulations during the probationary period may result in additional and more significant sanctions.

6. **Suspension from the University**

   Upon suspension from the University, a person loses all of the rights and privileges of a student of the University for a stipulated period. Any suspended individual found on
campus during the suspension period will be subject to arrest. Suspension from the University will result in a notation on the student’s academic record. After a period of 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.

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

8. University or Residential Service & Educational Projects and Programs
Assigned projects, programs and service (hereinafter referred to as “University Service”) to the University or its related bodies may be designed as a sanction. "University Service" will be work performed at a stipulated location within the University and with a stipulated supervisor. The Director of 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.

D. Specific Sanctions Pertaining to Residents

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

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

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

VI. Exceptional Procedures

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, (Section II.A.4.a) or to significantly disrupt university activity (Section II.A.9.a) may be in violation of the CODE, and the university may take extraordinary procedures, including family/parental notification, development of a behavioral agreement with the student, mandated evaluation and/or temporary or permanent separation from the University.

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, or failure to provide necessary records of prior treatment by the date requested may result in administrative action, up to and including temporary suspension from the University or the residence halls until the assessment and records request requirements are met.
G. **Withdrawal Prior to 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.

H. **Withdrawal by Administrative Action**
The Vice President for Student Affairs (designee) may initiate and approve procedures for the administrative withdrawal from the University or residence halls of any student for any of the following reasons: 1. Behavior that poses a threat to the health and safety of the student or others. 2. Behavior that disrupts university activity. 3. Behavior that continues to pose a threat to the health and safety of the student, or others or significantly disrupts a university activity. Administrative withdrawal determination shall be made by the Vice President for Student Affairs (designee). Students may challenge the withdrawal through the submission of a written appeal to the Vice President for Student Affairs (designee) supported by medical and/or mental health professional documentation. Administrative withdrawal actions may be reconsidered by the Vice President for Student Affairs (designee) at regular intervals upon the written request of the student. The Vice President for Student Affairs (designee) may elect to appoint an independent medical and/or mental health professional or a panel of professionals to provide advice to the Vice President for Student Affairs (designee) with respect to administrative withdrawal determinations.

I. **Return to the University**
Students who leave the university as a result of a mandated assessment, whether the leave is voluntary or involuntary may return to the University or residence halls when the following steps have been completed:
1. The University completed an individualized assessment for the purpose of evaluating the readiness to return to the University which may include receiving and evaluating documents provided by a treating practitioner.
2. The Vice President for Student Affairs/designee has approved the decision to permit the student to register for classes, return to campus, or live in a campus residence.

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

J. **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.
VII. Appeals

A. Grounds
Students found responsible for offenses under the CODE, and both parties in sexual misconduct cases may appeal such findings on the following limited grounds:

. significant procedural violations;
. substantial new significant factors including testimony, documentary and/or physical material supporting the allegation; and/or
. 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 significant factors including testimony, documentary and/or physical material supporting the allegation, 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.

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
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.
APPENDIX

Sexual Misconduct Policy Process and Procedure/Title IX
The complete hearing process, procedure and appeal information is available in Section III of the CODE. Below is information that has been extracted from the CODE that relates to sexual violence charges:

Title IX prohibits sex discrimination in all forms, which includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and/or penetration, non-consensual physical violent contact during consensual sexual contact, dating violence, domestic violence, and specific instances of stalking. All Title IX related matters will be reported to the Stony Brook University Title IX Coordinator, Marjolie Leonard, the Director for Title IX and Risk Management. The Title IX Coordinator’s contact information is:

Office of Diversity and Affirmative Action (ODAA)
201 Administration Building, Telephone number: (631) 632-6280, Email: Marjolie.Léonard@stonybrook.edu or TitleIX@stonybrook.edu.

Title IX matters involving students should also be reported to the Office of University Community Standards, which is located at 347 Administration Building or via phone, at (631) 632-6705.
For additional information on Title IX, visit: http://www.stonybrook.edu/titleix.

Complaint or Referral
Any member of the University community (student, staff or faculty) may make a complaint and/or referral or offer information concerning such complaint and/or referral to the appropriate office (i.e. Dean of Students, Division of Campus Residences, Office of Diversity and Affirmative Action, Title IX Coordinator, University Community Standards, University Police). 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 of sex discrimination (sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and/or penetration, non-consensual physical violent contact during consensual sexual contact, dating violence, domestic violence, and specific instances of stalking) will be referred to the Title IX Coordinator. All others 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. (Refer to section III.A.1.)
Complainant Advocate and Respondent Advocate
In cases alleging a potential sexual misconduct violation, all parties will be assigned an advocate. The advocate will assist their assigned party throughout the disciplinary process and will act as each party’s advisor at any hearing held. The complainant and respondent may appear at the hearing with their assigned advocate or may select an advocate of their choice. Advocates for either party to the case may only advise and shall not be permitted to present the complaint/defense or cross-examine witnesses. The role of the advocate is to assist the parties, but not to engage in any verbal presentation or questioning. Attorneys may serve as advisors/advocates to the parties, subject to the same limitations and conditions/restrictions as delineated above. The complainant and respondent may elect to have the advocate serve in the capacity of advisor during the hearing process.

Significant Factors Including Testimony, Documentary and/or Physical Material Supporting the Allegation
A finding of responsibility as to each of the charges must be supported by a preponderance of the evidence. The burden of presenting such evidence rests with the complainant(s). (Refer to section III.A.6.)

Hearing Officers/Boards
Members of the hearing board pool who will be reviewing charges of sexual violence receive training or have adequate knowledge about sexual violence and confidentiality requirements. (Refer to section III.B.6.)

Hearing Procedures
When the University determines a case is of a sensitive nature, the University may provide options for allowing due process without direct contact, including using a room divider, using separate hearing rooms, or prohibiting parties to directly question/cross examining each other. (Refer to section III.C.)

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 (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 cases alleging a potential sexual misconduct violation, an investigation will be conducted, culminating in a report that will be presented to complainant(s) and respondent(s). All parties will be able to present their arguments to the review panel.

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.

The respondent and complainant may be assisted during disciplinary hearings and related meetings, by an advisor of their choice. The respondent and complainant may present witnesses and may produce other evidence for consideration by the Administrative Hearing Board. The respondent and complainant are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee during the proceeding. Either party may request a brief recess to consult with their advocate which will be granted at the discretion of the Administrative Hearing Officer. Advocates for the respondent and complainant may not present evidence or question witnesses.

**Mediation (Dispute, Conflict Resolution)**
Mediation is a process available for resolving disputes between individuals or groups (not available when there is an allegation of sexual violence). (Refer to IV.A.)

**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, or assists or participate 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.

**Outcomes/Notifications**
The decision will be communicated in writing to the respondent(s) and to the complainant(s) by the presiding University Official. Written notification (disposition) will include the date and time of the hearing, the findings, and the sanctions to be imposed, if any. If the student(s) charged is/are found responsible and a sanction is to be imposed, the notification (disposition) shall also inform the student(s) of the right to an appeal and the method for submitting the appeal. (Refer to section VII.)

**Appeal**
Students found responsible for offenses under the CODE, and both parties in sexual violence cases may appeal such findings on the following limited grounds:

- significant procedural violations;
- substantive new evidence; and/or
- the sanction(s) imposed is/are substantially disproportionate to the severity of the violation. (Refer to VII.A.)