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DATE: August 20, 2009
TO: All Members of the University Community
FROM: Elizabeth (Liz) Droz, Dean of Students
SUBJECT: ***Rules of Student Conduct*** and **Procedures for the Review of Student Conduct 2009-10**

We ask that all members of the campus community pay special attention to the new *Rules of Student Conduct* appearing on the following pages and also available online. A great deal of effort, research and consultation has gone into developing the document. Our aim is to present to students, faculty and staff the policies, rules and code of conduct in clear and direct language. We will work to communicate the standards, and the consequences for violating these standards, in outreach and educational efforts throughout the year.

Copies of the new *Rules of Student Conduct* are available in the Office of Student Conduct, located in College-in-the-Woods, Tuscarora Office Building, 3rd floor, as well as in the Office of the Dean of Students, located in University Union West, 2nd floor. You may also find this online at studentconduct.binghamton.edu.

Also included in this publication is the Binghamton Pledge, which attests to our commitment to respect for inclusiveness and diversity at Binghamton University, and conveys to all members of our campus the continued need for effective communication and the desire to uphold the norms of a respectful community.

Please see studentconduct.binghamton.edu, the Office of Student Conduct's website, to submit any questions or comments regarding the code, or procedures herein. Milton Chester, assistant dean of students and director of the Office of Student Conduct, and other office staff are ready to answer your questions. The Office of Student Conduct phone number is 777-6210.

Binghamton's Pledge

Binghamton recognizes that the full realization of an inclusive community is challenging. 🌱

The University recognizes it cannot achieve the ideal inclusive community by itself — that goal must be nurtured in each of us, in word and in deed. 🌱

In striving toward this goal, we must face honestly the difficulties we encounter, and we must be willing to discuss widely both our successful efforts and those that fall short of the mark. 🌱 To keep our aspirations constantly before us, Binghamton pledges to represent itself to our own community and to the world in ways that bespeak our identity as a richly diverse and inclusive public University. 🌱 On behalf of the entire University community, it further pledges to achieve the goal of being an inclusive community within a framework of academic freedom and respect.

Binghamton University

Code of Student Conduct Preamble

Binghamton University is committed to fostering responsible community living and holds individuals accountable for actions and behaviors that may impact the welfare, rights and property of other community members. To afford students the full opportunity to attain their educational goals in a safe and healthy community, the University sets forth this *Code of Student Conduct* by which all students and student groups are expected to abide at all times.

In general, all members of our University community are expected to:

- Conduct themselves lawfully, maturely and respectfully, while sharing the responsibility of maintaining behavioral standards essential to the institution's success.
- Feel secure in person and property, while protecting the rights of others. Conduct that interferes with or threatens the rights of others, either in or out of the classroom, or interferes with or prohibits the operation of the University, is not condoned.
- Abide by the University's rules, as well as state, local and federal laws; sanctuary cannot be granted by the University.
- Continue the tradition of exercising First Amendment rights, keeping in mind that while encouraged and protected, the expectation is that one's rights are practiced with respect and responsibility. Abusing the rights of any one person or group ultimately endangers the rights of all. Obscene speech or conduct — which appeals to prurient interests, is patently offensive and lacks serious literary, artistic, political or scientific value — is not protected by the First Amendment.

As a student you are a valuable member of the Binghamton University community. Through your words and deeds you contribute to the building of an inclusive community in which all can live and learn in an environment of academic freedom and respect where all students have the opportunity to succeed.

Section I: Rules of Student Conduct

The following behavior is prohibited. Students engaging, attempting to engage, or assisting in the following are subject to disciplinary sanctions:

1. Consumption, possession or purchase of alcoholic beverages by any person less than twenty-one (21) years of age. Distribution of alcoholic beverages to anyone less than twenty-one (21) years of age.
2. Possession of more than one case of beer (288 oz. or 24 12-oz. cans or bottles), two liters of wine and two liters of distilled spirits, or bulk containers.

3. Possession, personal use, distribution, or purchasing of marijuana, controlled substances, prescription drugs prescribed to another person, illegal drugs; or possession of drug paraphernalia containing drug residue.
4. Theft of property or services; or knowingly possessing stolen property.
5. Manufacture, sale, possession or use of altered or another person's documents, including those used for identification.
6. Intentionally or recklessly destroying or damaging property.
7. Endangering, threatening or causing physical harm to any person or causing reasonable apprehension of such harm.
8. Stalking or communicating in a manner likely to cause injury, distress, or emotional or physical discomfort and which serves no legitimate purpose.
9. Sexual Harassment.
10. Sexual Assault and Rape.
11. Hazing.
12. Possession of weapons, dangerous chemicals or explosives.
13. Unauthorized entry into or use of University premises; unauthorized possession, duplication or use of keys, keycards or access devices to any University premises; entering a residence hall without being an invited guest of or accompanied by a current resident of the building.
14. Failing to comply with the directions of University officials acting in performance of their duties.
15. Failing to identify oneself to University officials when requested to do so.
16. Disorderly or disruptive conduct that interferes with the normal operations of the University or infringes on the rights of others.
17. Providing false or misleading information to the University or any University official.
18. Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency.
19. Tampering with fire safety equipment; intentionally, carelessly or recklessly causing a fire to be ignited; or intentionally interfering with or failing to follow emergency procedures.
20. Making or distributing unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy.
21. Violating any disciplinary sanction imposed in accordance with the *Code of Student Conduct*.

22. Taking an excessive number of copies of a campus newspaper, magazine or other publication in a way that interferes with the open distribution of that material.
23. Bringing an animal into any University building with the following exceptions: certified guide dog, service animal, small fish in residence hall (see University Housing License for further restrictions).
24. Violations of published University regulations or policies.
25. Violations of any federal, state or local law.

Section II: Definitions

1. The term “University” means Binghamton University.
2. The term “student” means an individual who has been accepted to or is taking courses through the University on a full-time or part-time basis. Persons who are not officially enrolled for a particular term but who have previously enrolled and have a continuing relationship with the University or who withdraw after an alleged violation of the *Code of Student Conduct* are also considered students.
3. The term “student organization” means any number of persons who have complied with the formal requirements for University recognition.
4. The term “University premises” includes all land, buildings, facilities and other property in the possession of, or owned, used or controlled by, the University (including adjacent streets and sidewalks).
5. The term “University official” includes faculty and staff of the University, student employees who are carrying out assigned work responsibilities, and University police officers.
6. The term “policy” means the written regulations of the University as found in University published documents such as the *Student Handbook*, the University housing license, computer services acceptable use policy, fraternity and sorority recognition and governance policy, hazing, parking rules and regulations, and policies pertaining to advertising on campus, use of facilities, student organizations, smoking, and Board of Trustees policies.
7. The term “student charged” means any student accused of violating this *Code of Student Conduct*.
8. The term “pre-hearing educator” means any person authorized by the director of the Office of Student Conduct to conduct a pre-hearing meeting with a student.
9. The term “student conduct administrator” means a University official authorized by the director of the Office of Student Conduct to conduct a hearing or conference with a student to discuss allegations of misconduct.

10. The term “student conduct board” means a group of persons authorized by the director of the Office of Student Conduct to determine whether a student has violated the *Code of Student Conduct* and to recommend sanctions that may be imposed when a rules violation has been committed.
11. The term “appellate officer” means the associate vice president or the assistant vice president for student life or their designee who is authorized to decide upon the appeal outcome for a student conduct case.
12. The term “sexual harassment” means unwelcomed sexual advances, requests for sexual favors, and/or other unwelcomed verbal or physical conduct of a sexual nature that substantially interferes with a person’s performance or creates an intimidating, hostile or offensive environment.
13. The term “rape” is defined as sexual intercourse with a friend, acquaintance or stranger:
 - a. that is forced, manipulated or coerced through use of verbal coercion, intimidation (emotional and/or physical), threats, physical restraint, and/or physical violence; and/or
 - b. where no consent was given due to the victim’s being unconscious, asleep or unable to communicate, or to the victim’s saying nothing; and/or
 - c. where the victim is temporarily incapable of appraising or controlling his or her conduct owing to the influence of alcohol or other drugs he or she consumed or to any other act committed upon him or her without his or her consent.
14. The term “sexual assault” is defined as sexual acts that include but are not limited to unwanted touching of an intimate part of another person such as sexual organ, buttocks or breast; sodomy; oral copulation; and rape by foreign object by a friend, acquaintance or stranger:
 - a. that is forced, manipulated or coerced through use of verbal coercion, intimidation (emotional and/or physical), threats, physical restraint and/or physical violence; and/or
 - b. where no consent was given due to the victim’s being unconscious, asleep or unable to communicate, or to the victim’s saying nothing; and/or
 - c. where the victim is temporarily incapable of appraising or controlling his or her conduct owing to the influence of alcohol or other drugs he or she consumed or to any other act committed upon him or her without his or her consent.
15. The term “hazing” is defined as any action taken or situation created involving prospective or new members of a group, or as a condition of continued membership in a group (fraternity, sorority, team, club, or other association or organization), which would be perceived by a reasonable person as likely to produce mental or physical discomfort, harm, stress, embarrassment, harassment or ridicule. This definition of hazing applies whether or not the participants consent to such activity or perceive the behavior as “voluntary.” The determination of whether a particular activity constitutes hazing will depend upon the circumstances and

context in which the activity is occurring. Some examples of conduct that may constitute hazing when used to mistreat or humiliate the participant include the following:

- Consumption of alcohol
- Paddling in any form, or any other physical brutality
- Creating excessive fatigue
- Degrading or humiliating games or activities
- Forced or excessive participation in physical activities
- Psychological shock or abuse
- Engaging in public stunts or buffoonery
- Inappropriate scavenger hunts or road trips
- Wearing of apparel or items likely to subject the wearer to embarrassment or ridicule
- Activities that would unreasonably interfere with a student's other activities or obligations (academic, extracurricular, religious, family, etc.)
- Activities that violate University policy, federal, state or local law
- Any other activity devoid of legitimate educational value that subjects participants to humiliation

No policy can be so precisely written as to address all possible situations. When this policy does not address a specific behavior, students, organizations, teams and groups are expected to conduct themselves and their activities in the spirit of this policy and with respect for the dignity and well-being of others. As a guiding principle, any activity required of new members that is not required of more senior members is likely to constitute hazing under this policy.

16. The term “weapon” means any instrument, device or object capable of inflicting physical harm or death and designed or specifically adapted for use as a weapon, or possessed, carried or used as a weapon.

Section III: Student Code Authority

1. Violations of the *Code of Student Conduct* by any student or student organization may lead to University administrative actions and/or University disciplinary action.
2. In addition to University actions, students may face criminal arrest when the incident is also a violation of local, state or federal law. Proceedings under the *Code of Student Conduct* may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the director of the Office of Student Conduct.
3. Good Samaritan actions: In cases of alcohol and prohibitive drug intoxication, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance for themselves or

for a friend/acquaintance who is suffering alcohol poisoning. No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student. Students who are found to be legally intoxicated for a second time may be medically withdrawn pending an alcohol and other drug screening and treatment if such is indicated.

4. Each student is responsible for his/her conduct from the time of application for admission through the awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year. The *Code of Student Conduct* applies even if the student withdraws while a disciplinary matter is pending. The *Code of Student Conduct* also applies to those who are not officially enrolled for a particular term, but who have a continued relationship with the University.
5. Students who have non-Binghamton University guests are responsible for informing their guests of the *Code of Student Conduct* and may be held responsible for the actions of their guests. Student hosts must be present during their guests' visit.
6. Students are responsible for violations committed by others that occur in their University-operated room, suite or apartment unless another Binghamton University student(s) takes responsibility for the violation.
7. The *Code of Student Conduct* applies on all University premises, at off-campus instructional sites, including the University's distance learning programs, onboard OCC transport vehicles, and in all University-operated housing areas both on and off campus. (The *Guidelines for Directors of Binghamton Programs Abroad* specifies conduct requirements and adjudication procedures for students participating in Binghamton University-sponsored study-abroad programs.)
8. The University will not, as a matter of general practice, pursue alleged off-campus student misconduct. However, in those exceptional cases that endanger the personal safety or property of members of the University community or others, action may be taken in accordance with the Rules of Student Conduct. The director of the Office of Student Conduct will consult the associate vice president/dean of students or designee, who will determine if campus judicial action is warranted under these circumstances. The University will use the following criteria in deciding when to take action for violations of the Rules of Student Conduct that occur off campus when there is sufficient information available to conduct a hearing and when:
 - a. The incident involves endangering behavior (defined as violent assault, rape, arson, distribution of illegal drugs or other serious offenses that constitute a threat to the personal safety of others).
 - b. There has been significant loss of or damage to property
 - c. Alcoholic beverages are sold or made available to underage persons.

9. The director of the Office of Student Conduct or designee determines the composition of student conduct boards and determines which student conduct board, student conduct administrator and appellate officers hear matters (as outlined in Section IV).
10. The director of the Office of Student Conduct develops policies for the administration of the student conduct system and procedural rules for the hearings, assuring both are consistent with the provisions of the *Code of Student Conduct*.
11. Decisions made by a student conduct board and/or student conduct administrator are final, pending the appeal process.

Section IV: Code of Student Conduct Procedures

A. Procedures for Review of Student Conduct

The University conduct system handles charges brought against any University student or student organization for alleged infractions of the *Code of Student Conduct*. In addressing charges, it is the responsibility of the hearing body to determine whether the alleged behavior constitutes a violation of the *Code of Student Conduct*.

This system emphasizes student involvement in the conduct process and relies on full and open discussion of cases with all parties concerned to render a fair judgment. The hearing bodies are not courts of law; hence, the formal rules of process, procedure and/or technical rules of evidence that are used in the courts do not apply.

1. Charges

- a) Allegations of misconduct must be submitted in writing to the appropriate administrative office (community administrator for residential life cases, director of the Office of Student Conduct for other cases). Sufficient information is required to support an allegation of misconduct before the request for charges is accepted. If these two conditions are not met, the request is denied.
- b) Charges against students must be presented in writing with sufficient particularity and at least five business days prior to a hearing. At the same time, the student charged is informed of his or her rights and of the procedures to be followed.
- c) The person assigning charges for level I cases does not serve as the student conduct administrator.

2. Handling of Cases

- a) Level I Cases
 - i. Cases in which possible sanctions do not include disciplinary probation until graduation, final probation, suspension, expulsion or a change in housing status are designated as Level I cases. Information regarding sanctions can be found in the *University Sanctioning Guidelines*.

- ii. Level I cases are assigned to a student conduct administrator for investigation and resolution.
- iii. Prior to meeting with the student conduct administrator, the student charged is invited to attend a pre-hearing meeting with a pre-hearing educator in which the student conduct system, student rights and potential sanctions are explained.
- iv. The student conduct administrator may conduct an investigation to determine if the charges have merit and/or if they can be handled administratively by mutual consent of the parties involved on a basis acceptable to the student conduct administrator. Such resolution is final and there will be no subsequent proceedings.
- v. Prior to resolution, the student charged will be given the opportunity to review all available reports pertaining to the incident.
- vi. If the charges are not admitted to and/or cannot be resolved by mutual consent, the student conduct administrator will make a determination as to whether the student charged violated the Rules of Student Conduct and assign sanctions if appropriate. Such resolution is subject to appeal.
- vii. If the student charged does not attend the hearing with the student conduct administrator, the student conduct administrator will consider the information available and make a determination regarding the student's responsibility and sanctions, if any.

b) Level II Cases

- i. Cases in which possible sanctions do include disciplinary probation until graduation, final probation, suspension, expulsion or a change in housing status are designated as Level II cases. Information regarding sanctions can be found in the *University Sanctioning Guidelines*.
- ii. Level II cases are assigned to a student conduct administrator.
- iii. When handling Level II cases, the student conduct administrator may conduct an investigation to determine if the charges have merit and/or if they can be handled administratively by mutual consent of the parties involved on a basis acceptable to the student conduct administrator. Such resolution is final and there will be no subsequent proceedings.
- iv. Prior to signing such an agreement, the student charged will be given the opportunity to review all available reports pertaining to the incident.
- v. If the matter cannot be resolved by mutual consent, the student will be sent the formal charges a student conduct board hearing will be scheduled, and charges will be presented by the student conduct administrator.
- vi. Students who are requested to provide testimony at a Student Conduct Board Hearing are expected to participate.

3. Advisers

Any party may be accompanied by an adviser at any point in the process. Advisers are not permitted to speak or to participate directly in any part of the conduct process unless permitted to do so by the presiding officer.

4. Basis for Decisions

Determinations of responsibility will be made on the basis of whether there is clear and convincing information that the student charged violated the Rules of Student Conduct.

5. Student Conduct Board Hearings

- a) The Office of Student Conduct establishes student conduct boards to hear Level II cases. When the charges cannot be handled administratively by mutual consent, or the accused student chooses not to meet with the student conduct administrator, a student conduct board hearing is conducted.
- b) Each case is heard by a student conduct board consisting of three board members drawn from the pool of eligible faculty, staff and student board members. Board members are assigned by the director of the Office of Student Conduct or designee.
- c) One member of the board is appointed chair by the Office of Student Conduct. The chair participates fully in the hearing and is a voting member of the board. The chair is responsible for ensuring that the rights of the accused student are respected and that hearing procedures are followed.
- d) The director of student conduct or designee will serve as hearing adviser in order to respond to issues pertaining to student rights, hearing procedures and University policy.
- e) Student conduct board hearings are normally closed. Exceptions are made at the sole discretion of the director of the Office of Student Conduct.
- f) In cases involving more than one student charged, the director of the Office of Student Conduct, at his or her discretion, may permit the student conduct board hearings concerning each student to be conducted separately or jointly. Students charged may submit a written request for an individual hearing to the director of the Office of Student Conduct or designee.
- g) The student conduct administrator and the accused student may identify witnesses to present pertinent information to the student conduct board. The Office of Student Conduct will notify witnesses of the hearing when those witnesses are members of the University community, and have been identified at least three business days in advance of the hearing.
- h) Accused students have the right to be present when information is being presented, to respond to and ask questions, or to refuse to answer questions. Refusal to answer questions is not considered an admission of responsibility.
- i) Accused students have the right to review any written documents presented. If such documents are available prior to the hearing, students have the opportunity to review them before the hearing. If they are presented at the hearing, students have the opportunity to review them at that time.
- j) Presentation of information and questions must be relevant to the case and will be considered by the board at the discretion of the chairperson of the student conduct board.

- k) All procedural questions raised during the hearing are subject to the final decision of the chairperson of the student conduct board.
- l) Following the hearing, the student conduct board will determine whether the accused student has violated the specified section of the *Code of Student Conduct* and recommend appropriate sanctions, if any. Votes by the student conduct board are by simple majority.
- m) A single verbatim recording of all student conduct board hearings (not including deliberations) will be made. Students may have access to their hearing record, for appeal purposes. Stenographers or additional recording devices are not permitted.
- n) If the student charged is not present, the hearing is held in the student's absence. The student conduct board considers the information available and bases its decision on this information. The absence of the accused student is not an admission of responsibility.
- o) The student conduct board may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the accused student and/or other witness during the hearing. Appropriate accommodations will be determined at the sole discretion of the director of the Office of Student Conduct.

B. Sanctions

1. When violations of the *Code of Student Conduct* are addressed, the University conduct system attempts to create an active and educational response taking into consideration the interest of the victim, interest of the accused and the overall well-being of the University community.
2. Sanctions are intended to deter any subsequent violations. To restore community, sanctions will be appropriately tied to the offense and tailored to repair actual harm done.
3. The following sanctions may be imposed:
 - a) *Disciplinary Warning* — Disciplinary warning is an official acknowledgment that rules have been violated. Warnings are for a designated period of time and include the probability of more severe disciplinary sanctions if the student is found responsible for further violations of the *Code of Student Conduct* while on warning.
 - b) *Disciplinary Probation* — Disciplinary probation is a serious and active response to a violation of rules. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for further violations of the *Code of Student Conduct* during the probationary period.
 - c) *Loss of Privileges* — Loss of privileges is the loss of specified privileges such as use of a particular facility, visitation to a residence hall, housing priority, contact with an individual, or other privileges for a designated period of time.

- d) *Educational Projects and Community Service* — These sanctions involve the completion of projects, assignments, essays, service to the University, facilitation of or participation in programs, or other related assignments.
- e) *Restitution* — Restitution may include payment to an individual or to the University to cover the cost of damage, destruction, defacement, theft or unauthorized use of property. It may also include payment for medical bills not covered by insurance.
- f) *Relocation or Removal from Housing* — Relocation is the reassignment of a student from one living space to another. Removal from housing is the removal of a student from all University-operated housing. Relocation and removal from housing are usually accompanied by loss of visitation privileges to specified residential areas, and are imposed for a specified period of time.
- g) *Final Probation* — Final probation is imposed only in very serious cases or cases where students are currently under a significant judicial sanction. Final probation usually includes removal from all University housing and loss of visitation privileges to buildings or areas of campus, and is imposed for a specified period of time. Students found responsible for any further violation of the Rules of Student Conduct while on final probation may be suspended from the University.
- h) *Suspension* — Suspension is the separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Students who have been suspended may not be on campus without specific, written permission of the associate vice president/ dean of students or designee.
- i) *Expulsion* — Expulsion is the permanent separation of the student from the University. Students who have been expelled may not be on campus without specific, written permission of the associate vice president or designee.

NOTE: Recommendations for final probation, suspension or expulsion from the University are forwarded to the associate vice president/dean of students or his or her designee, who is the president's designee for final action.

- 4. More than one of the previously listed sanctions may be imposed for any single violation.
- 5. Following a student conduct board hearing, the board completes a summary report of its findings and recommendations and forwards it to the Office of Student Conduct. The director of student conduct or his or her designee certifies that the sanction(s) is appropriate based on the sanctioning guidelines. The director or his or her designee will make adjustments as necessary to ensure that the sanction(s) is appropriate. The Office of Student Conduct forwards the final outcome to the accused students and the student conduct administrator.
- 6. Any student found responsible for a violation of the Rules of Student Conduct, who has targeted a person or group based on factors such as perceived race, color, sexual orientation, gender, religion, age, disability, veteran status, marital status, national origin or ancestry, may be subject to a more severe sanction than would ordinarily accompany that violation.

7. The director of student conduct will place an administrative hold on a student's University records when the student fails to complete the sanction(s) by the assigned deadline. The hold will remain in effect until all assigned sanction(s) are completed.

C. Appeals

1. An appeal must be submitted in writing by the student charged and submitted to the Office of Student Conduct within five working business days except in cases of suspension or expulsion when the appeal must be submitted within 10 working business days, after receiving notification of the outcome of the hearing.
2. The appeal must specify the reason(s) for the appeal. The student charged may appeal on any or all of the following grounds:
 - a) appeal the finding that the student violated the Rules of Student Conduct;
 - b) appeal the sanction imposed; and
 - c) appeal on the basis of specified procedural errors in the disciplinary process.

For each reason cited, a detailed explanation must be included.

3. Failure to appeal within the allotted time will render the original decision final and conclusive.
4. Appeals of all conduct cases are reviewed by the associate vice president, the assistant vice president for student life, or their designee. Appeals may be referred to a three member appeals board at the discretion of the appellate officer. This board will have the responsibility of making a recommendation on the merits of the appeal. Appeals boards, when used, will consist of at least one student and at least one staff person.
5. Appeals will be decided upon the record of the original proceeding and upon written materials submitted by the parties. New hearings will not be conducted.
6. The person(s) reviewing an appeal may:
 - a) Affirm the finding and the sanction imposed by the original board.
 - b) Affirm the finding and reduce, but not eliminate, the sanction, in accordance with Section IV B. of these procedures.
 - c) Assign the case to a new hearing board in accordance with Section IV A. of these procedures.
 - d) Dismiss the case, in accordance with Section IV-A.
7. Deference shall be given to the determinations of the hearing board:
 - a) Sanctions may only be reduced if found to be disproportionate to the offense.
 - b) Cases may be assigned to a new hearing board if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the charged student a fair hearing, or if new and significant

evidence became available which could not have been discovered by proper diligence before or during the original hearing. When a new hearing is granted, no indication or record of the previously conduct hearing will be introduced or provided to members of the new conduct panel, except to challenge contradictory testimony at the discretion of the presiding officer. The board will be directed by the committee not to repeat the specified errors that caused the case to be reheard.

- c) Cases may be dismissed only if the finding is held to be arbitrary and capricious.
 - d) Decisions altering the determinations of all hearing shall be accompanied by a written explanation.
8. The imposition of sanctions will normally be deferred while appeals are pending, except that summary actions will continue until there is a final outcome.
 9. Appeals will ordinarily be expected to be decided within ten (10) business days.

D. Summary Action

1. Pending final action on a charge (including the appeal process), the status of the student is not altered, unless the continued presence of the students would constitute a clear and present danger to themselves, to the safety of others or to the property of the University.
2. When the continued presence of the student on campus is deemed to constitute a clear and present danger to himself or herself, to the safety of others or to the property of the University, summary action may be taken. Summary action may include loss of contact with individuals, denial of access to facilities or suspension from the University pending the outcome of a student conduct board hearing.
3. Students under summary action may be required to leave University facilities or property immediately and will be considered trespassing if they return.
4. Students under summary action may request a meeting with the vice president for student affairs or designee in order to appeal the summary action. This request must be made no later than 5 p.m. of the business day following the date the student receives the letter of summary action, including days when classes are not in session.
5. Students who have appealed a summary action must abide by the terms of this action pending the outcome of the appeal.
6. Students will receive written notice of the outcome of their appeal from the vice president or designee.
7. Students under summary action must have written permission from the associate vice president or designee in order to have access to facilities property or services of the University.

E. Mediation

1. Mediation is a voluntary process of conflict resolution facilitated by a trained mediator, who helps parties develop mutually acceptable solutions. The mediator is neither judge nor arbitrator, and does not determine guilt or innocence, dispense advice or impose decisions.
2. Mediation will be used as a method of resolving student conduct matters when the student conduct administrator believes the case is appropriate for mediation and all those involved are willing to participate. If such a matter cannot be successfully resolved through mediation, it will then be considered for charges through the student conduct process.

F. Student Records

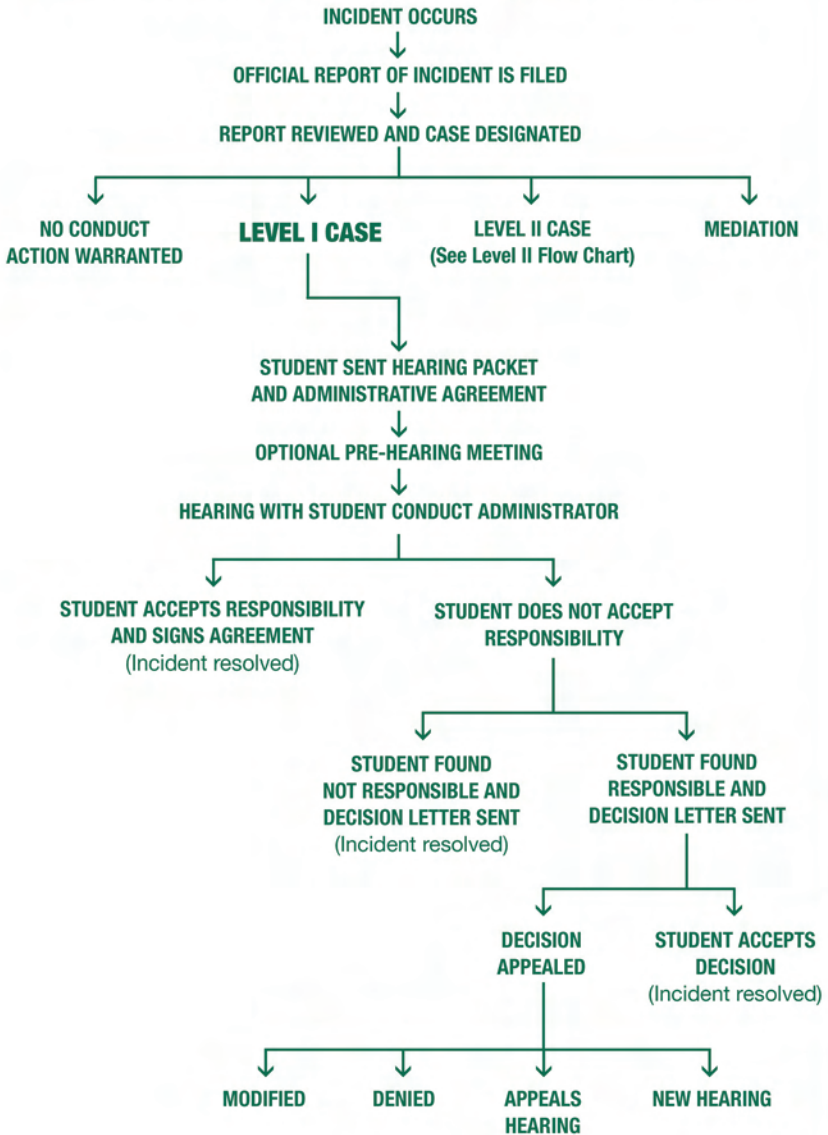
1. Case referrals will result in the development of a disciplinary file in the name of the accused student. Files for students who are found not responsible will be voided. Voided files will be destroyed at the end of the academic year in which they were created.
2. The files for cases involving sanctions of warning up to and including final probation are maintained for two years from the date on which the sanction expires. Disciplinary records may be voided by the director of the Office of Student Conduct for good cause, upon written petition. Factors to be considered in review of such a petition include:
 - a. the present demeanor of the student;
 - b. the conduct of the student subsequent to the violation;
 - c. the nature of the violation and the severity of any damage, injury or harm resulting from it.
3. Records of suspension are maintained for two years from the date on which the suspended student graduates from the University. If the student does not graduate, the file is maintained as a permanent record.
4. Students who are suspended have the following statement placed on their transcript: "Disciplinary Suspension." The suspension notation is removed when the suspension period expires.
5. Students who have been summarily suspended will have a judicial hold placed on their University records until such time as there has been a final outcome of the charges. Upon final outcome, the hold will be lifted and a suspension notation will be placed on their transcript if warranted.
6. In order to verify compliance with the Campus Security Act, all disciplinary referrals for alcohol, drugs and weapons possession are retained for seven years. These records are sealed and are only released to the authorities to which information must be made available under federal and/or state law.

7. Records of expulsion are not destroyed.
8. Students who are expelled have the following statement placed on their transcript: “Disciplinary Expulsion.” Ordinarily, notation of expulsion is a permanent notation on the transcript. After five (5) years from the date of the expulsion, expelled students may submit a written petition to have the notation removed from their transcript. The petition is submitted to the associate vice president/dean of students or designee and must outline the reasons for the request and provide documentation of activities (work, education, etc.) since the student’s expulsion from Binghamton University.

Section V: Interpretation and Revision

1. Any question of interpretation or application of the *Code of Student Conduct* shall be referred to the director of the Office of Student Conduct or his or her designee for final determination.
2. Section 356 of the Education Law of the State of New York directs councils to establish regulations governing the conduct and behavior of students. A committee of the Binghamton University Council reviews the University’s *Code of Student Conduct* each spring, and changes are brought to the full council for ratification before the *Code of Student Conduct* is published. After ratification, these regulations are filed with the appropriate state agencies. Students are expected to refer to this publication for a better understanding of the code of standards and behavior expected of them.

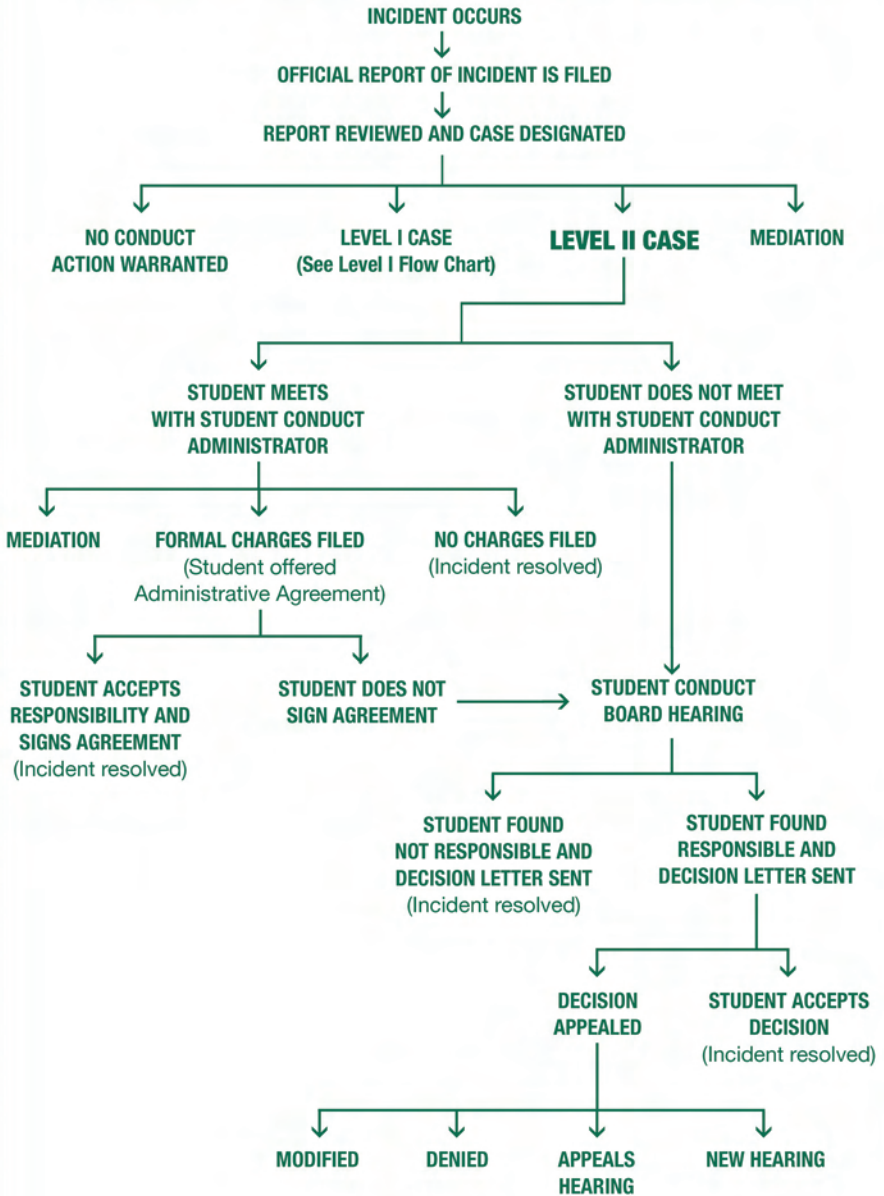
Flow Chart of Student Conduct Process for **LEVEL I** Cases



Level I cases are those cases in which the maximum possible sanctions do not include: disciplinary probation until graduation, final probation, suspension, expulsion or a change in housing status.

For further information on the student conduct process or to view the University Sanctioning Guidelines, visit the Office of Student Conduct website at <http://studentconduct.binghamton.edu>.

Flow Chart of Student Conduct Process for LEVEL II Cases



Level II cases are those cases in which possible sanctions include: disciplinary probation until graduation, final probation, suspension, expulsion or a change in housing status.

For further information on the student conduct process or to view the University Sanctioning Guidelines, visit the Office of Student Conduct website at <http://studentconduct.binghamton.edu>.