

# Part Three: College Guidelines for Students

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### CHAPTER 310: Development of Student Regulations

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#### 310.01 MANNER IN WHICH THE REGULATIONS ARE DEVELOPED: ROLE OF THE COLLEGE COUNCIL

In order to encourage, maintain, and assure adequate communication with and participation by the administration, faculty, and students at the respective campuses, the College Council shall act after consultation with the chief administrative head of its campus and with representatives of faculty and students in promulgating or in reviewing and ratifying regulations on student conduct. In the regulations, the council may confer upon student groups, faculty committees, administrative officers, or combinations thereof appropriate responsibilities concerning student conduct and behavior. Authority for the administration of regulations at a campus shall rest with the campus' chief administrative officer.

#### 310.02 RECOGNITION OF THE RIGHTS AND RESPONSIBILITIES OF STUDENTS

The regulation shall recognize that students have, within the law, the right of free expression and advocacy and that the state university seeks to encourage and preserve freedom of expression and inquiry within the entire university. The regulation shall also recognize the obligation of all students to conduct themselves lawfully, maturely, and responsibly and shall take into account the responsibility of the university to maintain standards of student conduct in line with the university's function as an educational institution. The ways in which students or student groups may use the name of the university or identify their association with it shall also be provided for in the regulations.

#### 310.03 NEED FOR DUE PROCESS

Where regulations govern student disciplinary proceedings, they should reflect the basic concepts of

procedural fairness and should make certain that no student shall be expelled or suffer other major disciplinary action as defined by the council for any offense, other than failure to meet required academic standing, without being first given appropriate advance notice of the charges against her/him and a hearing before an impartial body or officer as established by the council or chief administrative officer at such campus. While a formal student conduct hearing is not required, the hearing should be of such nature as to give the hearing body or officer, as the case may be, full opportunity to hear both sides of the issue in considerable detail. The student may waive in writing the requirements of a hearing.

### **310.04 AVAILABILITY OF THE RULES AND REGULATIONS**

The regulation established by a council at a particular campus, in the manner described above, shall be published and made available to the whole academic community of that campus and shall be given full force and effect as rules and regulations of the state university applicable to that campus and shall be filed with the Office of the Secretary of State.

### **310.05 PERIODIC REVIEW BY THE CHANCELLOR**

The chancellor of the State University of New York shall, from time to time, cause to be reviewed the regulations established by the councils for consistency with rules and policies of the State University Trustees and shall report thereon to the board of trustees at such time and in such manner as it shall direct. (Office of the Chancellor, May 31, 1967)

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## **CHAPTER 320: College Council Policies for Student Rights**

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### **320.01 BASIC CONCEPTS ESTABLISHED BY COLLEGE COUNCIL**

On June 27, 1968, the College Council endorsed the Declaration of Rights and Freedoms with the following explicit understandings, as described in the council's minutes:

- a. That the statement is in no way intended to abrogate the legal powers invested in the board of trustees or College Council under American corporate law;
- b. That interpretation of the statement's principles and procedures be understood as a continuing joint process, and that application be worked out according to the educational purposes of this particular institution.
- c. That the implementation of the statement's recommendations take place in the context of the total academic community with all responsible consideration for rights and freedoms of the other constituents of the academic community;
- d. That the concept of community itself implies the interdependence of faculty, students, administration and governing boards and that, therefore, the arrogation to itself of absolute autonomy or of absolute freedom by any one sector of the academic community contradicts the very concept of community;
- e. Finally, that the statement on rights and freedoms of students is welcomed as a thoughtful and significant contribution to the dialogue that is essential to the well-being of the academic community.

## **320.02 DECLARATION OF RIGHTS AND FREEDOMS**

### **Preamble**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of the student and the general well-being of society. Students have become increasingly aware that learning is a broad process whose boundaries extend beyond the classroom and encompass all aspects of their lives. Thus, the academic community includes all those members of this College who promote the learning experience. Membership in the academic community should develop the capacity for critical judgment, for involvement in a sustained and independent search for truth and knowledge, and for participation in the decision-making processes that are inherent in the attainment of these goals. Realizing this, provisions for the recognition and protection of academic freedom are essential to the functioning of this community. Achievement of the established goal of this University, "To learn, to search, to serve," can come only with the acknowledgment of the continuing need for learning among all members of the community and the realization that a sense of community is imperative for the creation of an atmosphere for individual growth.

It is impossible to separate the concept of student freedom and rights from the concept of student responsibility. Coincidental with any rights are corresponding responsibilities. Developed from this document and embedded in student social codes and constitutions will be the specific applications of the rights and responsibilities stated herein. These responsibilities will have meaning only with full cooperation and communication among all segments of the academic community. To this end it is imperative that students, desiring respect for their rights, must then accord to the other segments of the community the same respect. Student responsibility is the best deterrent to student irresponsibility. This document should be viewed not as one which gives freedom but rather as one which illustrates the willingness of students to accept a good measure of responsibility for their own actions.

This document recognizes all legal responsibilities mandated to the College and its members. It is meant to be operable within existing laws governing the College and its community.

### **1. Freedom of Government**

Students have the right to organize and maintain maximum democratic government in order to guarantee the rights and freedoms of the individual. Students also have the right to formulate within existing laws their own social rules and code of conduct.

### **2. Freedom of Access to Higher Education**

The admissions policies of each college and university are a matter of determination by the academic community provided that each college and university makes clear the standards that it considers relevant to success in the institution's program. Within the limits of its facilities, this College shall be open to all students who are qualified according to its admission standards. The facilities and services of this College shall be open to all of its enrolled students, and it shall use its influence to secure equal access for all students to public facilities in the local community.

### **3. Right to the Best Possible Education**

It is a basic right that students have a well-devised curriculum, adequate library and laboratory facilities, and competent teaching staff, operating in an environment of academic freedom that nourishes the education process. Students have a right to guidance, advisement and ancillary services that aid in education and/or

career planning that help them progress toward their goals.

#### **4. Right of Freedom of Thought in the Classroom**

Students should be informed of the standard of academic performance expected by each professor or department. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion. Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

#### **5. Freedom of Expression**

Students and student organizations should be free to discuss, pass resolutions, distribute leaflets, circulate petitions and take other action by orderly means that do not disrupt the essential operation of the institution. They are free to examine and to express opinions publicly or privately.

#### **6. Freedom of Communications Media**

All forms of student expression must enjoy full freedom of the press as guaranteed in the Bill of Rights of the United States Constitution. The communications media are free of censorship and advance approval of copy, and the editors and managers are free to develop their own editorial policies and news coverage. The editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism. At the same time, it should be made clear to the academic and larger community that in their public expressions or demonstrations students and student organizations speak only for themselves. Editors and managers of communications media are protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content.

#### **7. Freedom of Association**

Students must be free to organize and join associations for educational, political, social, religious, or cultural purposes.

#### **8. Freedom to Choose Speakers and Topics**

No area of investigation and no point of view shall be excluded from the precincts of the College. It is consonant with the principles of academic freedom, the traditions of free inquiry, and the educational purposes of the State University of New York to assert that the student body, acting responsibly in the spirit of free intellectual inquiry, is free to invite any person it chooses to address it on any topic.

#### **9. Freedom from Disciplinary Action Without Due Process**

The student body must have clearly defined means to participate in the formulation and application of regulations affecting student affairs. No sanction or other disciplinary action shall be imposed on a student by or in the name of the State University of New York in an arbitrary manner.

#### **10. Freedom from Improper Disclosure**

Protection against improper disclosure of information is a serious professional obligation of faculty

members and administrative staff that must be balanced with their other obligations to the individual student, the institution and society. (Judgments of ability and character may be provided under appropriate circumstances.) Information about student views, beliefs and political associations that professors and College staff acquire in the course of their work as instructors, advisors and counselors should be considered confidential. No information from records is available to prospective employers, graduate or professional schools, or government agencies, without the explicit consent of the student, and such information must be limited to their academic experiences only.

## **11. Freedom to Rights as a Private Citizen**

College students are citizens as well as members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly and right of petition that other citizens enjoy; and as citizens they are subject to the obligations that accrue to them by virtue of this membership. Faculty members and administrative officials should ensure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

Activities of students may upon occasion result in violation of the law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of civil laws. Only where the institution's interests as an academic community are involved de facto, should procedures of the College student conduct system be initiated. Institutional action should be independent of community pressure.

## **12. Right to Participate in Decision-making**

Provisions must be made for widest possible participation of the student body in the decisions that will affect their lives and future careers. This participation shall range from advisory to a full and voting membership of the group that is evaluating, recommending, planning, or deciding.

## **13. Right to Privacy**

Students must be protected from invasions of privacy and arbitrary and capricious searches of their residences, except where a civil search warrant has been legally obtained or where existing housing inspection laws and regulations permit or require.

## **14. Right to be Informed**

The College community, and the student government in particular, has the obligation to inform students of their rights and responsibilities upon appointment and throughout their college career.

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# **CHAPTER 330: Student Conduct System**

## **Code of Student Conduct**

SUNY Cortland's student nonacademic student conduct system is described in the Code of Student Conduct. The definitions and procedures that follow are from the most recent edition of this document (2011-2012). Please see the Code of Student Conduct for a complete compilation of nonacademic student conduct policies.

### **Preamble**

The State University of New York College at Cortland strives to maintain a community that promotes and values the academic experience, institutional and personal integrity, justice, equality and diversity. The College, therefore, believes in values that foster an environment where people can work, study and recreate together as a community.

In establishing this community, it is necessary to state behavioral expectations for all students, which promote the values that the College has stated are necessary. The purpose of the Code of Student Conduct (also referred to as the Student Code or Code) is to outline these behavioral expectations and to provide an explanation of the process involved for responding to allegations of student misconduct, as well as detailing what actions the College shall take in dealing with policy violations.

A student attending SUNY Cortland agrees to be governed by this Student Code, as well as other College policies. The College, through the Student Conduct Office, maintains the exclusive authority to impose sanctions for behaviors that violate the Code of Student Conduct.

All students at SUNY Cortland have access to the Code of Student Conduct. Copies of the Student Code are available from each residence hall staff office, the Student Conduct Office, the Corey Union Information Desk and the Student Government Association (SGA). This document appears in its entirety in the College publication titled *Code of Student Conduct and Related Policies* and also is accessible online at: [www.cortland.edu/student-conduct](http://www.cortland.edu/student-conduct).

### **Definitions (Section One of the Code)**

- A. The term “College” means the State University of New York College at Cortland.
- B. The term “student” includes all persons taking courses at the College, both full-time and part-time, pursuing undergraduate or graduate studies, or those individuals who were students at the time of an alleged violation of the Student Code, as well as individuals on College premises for any purpose related to registration for enrollment. Persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the College are considered “students.”
- C. The term “faculty member” means any person hired by the College to conduct classroom activities.
- D. The term “staff ” or “staff member” means any person employed by the College performing assigned administrative, professional or classified responsibilities. Note: Classified (non-exempt) employees may only serve as staff justices as volunteers outside normal working hours.
- E. The term “College official” includes any person employed by the College performing assigned administrative or professional responsibilities.
- F. The term “designated College official” means any person employed by the College and authorized by the College to act in a prescribed manner in accordance with the statutes found in the *Maintenance of Public Order* applying to the College and in accordance with the *Policies of the Board of Trustees of the State University of New York*.
- G. The term “member of the College community” includes any person who is a student, faculty member, College official, or any other person employed by or affiliated with the College. The vice president for student affairs shall determine a person's status in a particular situation.
- H. The term “College premises” includes all land, buildings, facilities, or other property in the possession

- of or owned, used or controlled by the College including adjacent streets and sidewalks.
- I. The term “College property” means all property owned, leased, or on loan to the College.
  - J. The term “personal property” means anything of value to which a person has legal possession or title.
  - K. The term “student organization” means any number of persons who have complied with the formal requirements for College recognition by the SGA and/or the Division of Student Affairs.
  - L. The term “student publication” means written material including, but not limited to, brochures, newspapers and special interest magazines published by students and distributed to the College community.
  - M. The terms “Student Code” and “Code” shall refer specifically to this Code of Student Conduct document.
  - N. The term “student conduct officer” means the director of student conduct and/or her/his designate.
  - O. The term “student conduct body” means any person or persons authorized by the director of student conduct to determine whether a student has violated the Code of Student Conduct and to impose sanctions when necessary.
  - P. The term “student conduct advisor” means any individual assigned to advise a student conduct body.
  - Q. The term “complainant” means any person or persons who have filed disciplinary charges against a student.
  - R. The term “accused student” means any student who has had disciplinary charges filed against them.
  - S. The term “mediation” means a voluntary process in which two or more parties are assisted by a neutral party in identifying and satisfying their interests relative to a dispute.
  - T. The term “arbitration” means a process in which a dispute is heard by a neutral party who has the authority to make a decision after hearing arguments and reviewing evidence.
  - U. The term “school day” means a week day when school is in session or non-holiday business day when school is not in session.
  - V. The term “shall” is used in the imperative sense.
  - W. The term “may” is used in the permissive sense.

#### **Student Conduct System Authority (Section Two of the Code)**

- A. The director of student conduct shall determine the composition of student conduct bodies (see Section Nine) and the appellate boards and determine which student conduct body, hearing officer and appellate board shall be authorized to hear each case.
- B. The director of student conduct shall develop policies for the administration of the student conduct program and procedural rules for the conduct of hearings that are not inconsistent with the provisions of the Code of Student Conduct.
- C. Decisions made by a student conduct body and/or administrative hearing officer shall be final, pending the normal appeal process (see Section 14).
- D. In some instances, the College may elect to serve as mediator or arbiter of disputes within the student community that do not involve a violation of the Code of Student Conduct. At these times, an administrative hearing officer shall be appointed by the student conduct officer to serve as mediator or arbiter. All parties must agree to mediation/arbitration and to be bound by the decision of the mediator or arbiter with no right of appeal (see Section Sixteen, Bylaws).

#### **Jurisdiction (Section Three of the Code)**

Generally, College jurisdiction and discipline shall be limited to conduct that occurs on College property and/or at College-related events, or that adversely affects the College community and/or the pursuit of its objectives. The student conduct officer, in conjunction with the vice president for student affairs, will determine when the College will take action for allegations of off-campus misconduct that also violate College policy and/or federal, state and/or local laws, statutes, or ordinances.

**Violation of Law and College Discipline (Section Five of the Code)**

- A. College disciplinary proceedings may be instituted against a student charged with a violation of a law that is also a violation of the Student Code. For example, if both violations result from the same factual situation, without regard to the status of civil litigation in court or criminal arrest and prosecution, proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
- B. When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of her/his status as a student. If the alleged offense is also the subject of a proceeding before a student conduct body under the Student Code, however, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

**The Student Conduct Office (Section Six of the Code)**

- A. The Student Conduct Office has been delegated the responsibility to administer the student conduct system. The operations of the office shall be the responsibility of the director of student conduct. Responsibilities of the office include but are not limited to:
  - 1. Reviewing complaints and determining charges to be filed pursuant to the Code of Student Conduct.
  - 2. Investigating cases and conducting disciplinary conferences.
  - 3. Determining which student conduct body shall hear each case.
  - 4. Interviewing and advising parties involved in disciplinary proceedings.
  - 5. Supervising the selection, training and advising of all student conduct bodies.
  - 6. Reviewing the decisions of all student conduct bodies.
  - 7. Resolving disputes and contested issues that arise out of alleged cases of student misconduct.
  - 8. Maintaining all student disciplinary records resulting from enforcement of the Code of Student Conduct.
  - 9. Collecting and disseminating data concerning student conduct system actions.
  - 10. Management and supervision of the College's mediation program.
- B. The Student Conduct Office shall function with a professional and student staff. This staff shall include but not be limited to:
  - 1. Director of student conduct
  - 2. Assistant director of student conduct
  - 3. Clerical staff, including an administrative aide and keyboard specialist.
  - 4. Residence hall directors assigned to the Student Conduct Office as an outside assignment. The number of residence hall directors and their responsibilities shall be determined annually by the director of residence life and housing and the director of student conduct.
  - 5. Student conduct advisors shall be appointed by the director of student conduct to supervise hearings conducted by the Student Conduct Board and the College Hearing Panel and may be appointed to supervise administrative proceedings. Student conduct advisors will generally be residence hall directors assigned to the Student Conduct Office, graduate student interns and other professional staff members.

**College Mediation Program (Section Seven of the Code)**



In order to promote understanding and the resolution of disputes without disciplinary implications, the Student Conduct Office shall implement and maintain the College Mediation Program. The director of student conduct, in consultation with the vice president for student affairs and the director of residence life and housing, shall outline the parameters of this program and determine how the program shall be operated and staffed. All mediations must be entered into voluntarily by all parties and must meet with the approval of the director of residence life and housing and the director of student conduct. (For more information on mediation, see the Student Conduct Bylaws, Section 16.)

#### **Due Process Rights (Section Ten of the Code)**

Students should expect that disciplinary proceedings will be handled fairly. All SUNY Cortland students accused of violating the Student Code shall be granted the following due process rights:

- A. A student has the right to a hearing by an unbiased student conduct body.
- B. A student has the right to have an advisor present at the hearing.
- C. A student has the right to written notice of the charges that indicates the time and place of the hearing. Proper written notification shall be defined as the delivery of mail to a student's on-campus mail box, hand delivery by campus staff, delivery of information via electronic message to a student's assigned campus email account or delivery by the U.S. Post Office to a student's local off-campus address. Students shall be held responsible for the contents of mail for which they have refused receipt.
- D. A student has the right to receive a copy of the written report(s) stating the circumstances and allegations involved. This information shall generally be given to the student at the time that they receive notification of the time and place of the hearing.
- E. A student has the right to object to a board/panel member or hearing officer who is serving in the capacity of student conduct body. The student conduct advisor will determine the validity of the objection.
- F. A student has the right not to present information against herself/himself.
- G. A student has the right to hear and respond to all information presented against her/him. This includes the right to question all parties through the student conduct body.
- H. A student has the right to present information and witnesses in her/his own behalf.
- I. A student has the right to written notification of the results of a hearing no later than ten school days after the hearing.
- J. A student has the right to appeal the outcome of a hearing, as described in Section Fourteen, Appeals, except in cases of accepted residence hall director decisions. A student must be informed of her or his right to appeal and the process by which to do so.

#### **Victim's Rights (Section Eleven of the Code)**

When a member of the SUNY Cortland community has been the victim of an alleged act of misconduct that violates the physical and/or mental welfare of an individual, the victim should expect that the student conduct system shall respond in a caring, sensitive manner that allows the victim to utilize the student conduct process unimpeded, while still maintaining the rights of the accused student. In cases including but not limited to sexual assault, physical assault, hazing and harassment, the Student Conduct Office will review each case for alleged victims and will inform individuals when victim status has been assigned. The following rights shall be provided to victims of alleged offenses:

- A. A victim has the right to be treated with dignity and compassion by the student conduct body and by all persons involved in the disciplinary process.
- B. A victim has the right to information pertaining to the campus student conduct process and appropriate referrals for information on the criminal process.

- C. A victim has the right to information pertaining to counseling assistance available to her/him.
- D. A victim has the right to assistance throughout the student conduct process, including the right to have an advisor present at all proceedings.
- E. A victim has the right to due process protections, including the right to written notification of a hearing, the right to hear all information presented, the right to present information and witnesses, and the right to notification of the final results of a hearing (for victims of crimes of violence or nonforcible sexual offenses).
- F. A victim has the right to testify from another location as long as it does not infringe upon the rights of the accused student to have a fair hearing.
- G. A victim has the right to have any unrelated past behavior excluded from the hearing process. The student conduct body shall determine what constitutes unrelated behavior.
- H. A victim has the right to submit a written impact statement to the student conduct body, which will be considered only in sanctioning, should there be a finding of violation against the accused student. The victim impact statement will remain a part of the record through all levels of appeal.
- I. A victim has the right to not have her or his identity released by the College throughout the student conduct process in relation to campus and other media and from all other involved parties.
- J. A victim has the right to expect to be free from intimidation and harassment throughout the student conduct process.
- K. A victim has the right to request that campus personnel take the necessary steps reasonably available to prevent unwanted contact or proximity with the alleged assailant(s). This could include modification of living arrangements and/or class schedules.
- L. In cases where the victim is a victim of sexual harassment, sexual assault, rape and/or sexual violence only, the victim has the right to appeal the finding or sanction as described in Section Fourteen, Appeals.

#### **Interim Sanctions (Section Thirteen of the Code)**

- A. In certain circumstances, the vice president for student affairs or her/his designee, may impose a disciplinary suspension or other restrictions prior to the hearing before a student conduct body. These circumstances shall relate directly to the institutional concerns outlined in Section Thirteen, C.
- B. In certain circumstances, the director of residence life and housing or her or his designee, may impose a residence hall suspension, mandated room reassignment or other restrictions prior to the hearing before a student conduct body. These circumstances shall relate directly to the institutional concerns outlined in Section Thirteen, C.
- C. In all cases, interim sanctions will be imposed only:
  - 1. To ensure the safety and well-being of members of the community or preservation of College property; or
  - 2. To ensure the student's own physical or emotional safety and well-being; or
  - 3. If the student poses a definite threat of disruption of or interference with the normal operations of the College.
- D. During an interim suspension, students may be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the vice president for student affairs or her/his designee may determine to be appropriate.
- E. Whenever an interim sanction is imposed, the Student Conduct Office shall convene a hearing at the earliest possible time, pending the normal due process requirements. The interim sanction may remain in effect until a final decision has been reached, including any appropriate appeals process, at the discretion of the vice president for student affairs or her/his designate.

#### **Disciplinary Files and Records (Section Seventeen of the Code)**

- A. The Student Conduct Office shall maintain disciplinary records and a disciplinary tracking system that shall include, but not be limited to, the accused student's name and related information, description of the incident, parties involved, Code violations, sanctions and other data deemed relevant by the Student Conduct Office. Such information shall be maintained in accordance with the provisions of the Family Educational Rights and Privacy Act. Disciplinary records shall be made available to student conduct bodies and College officials designated in the Student Code as necessary.
- B. Students may arrange to review their own disciplinary records by contacting the Student Conduct Office. Except as provided in the Student Code or pursuant to a lawfully issued subpoena, the College shall not communicate a student's disciplinary record and related information to any person or agency without the prior written consent of the student.
- C. The Student Conduct Office may share disciplinary record information with institutions at which the student seeks or plans to enroll.
- D. Student disciplinary records are retained in accordance with SUNY Records Retention Policy (accessible at [www.suny.edu/sunypp](http://www.suny.edu/sunypp), Document Number 6609). Student records for major Code of Student Conduct violations and drug and alcohol policy violations are retained for a minimum of seven years after the end of the academic year of said violations(s) to comply with federal record keeping requirements. Records of minor Code of Student Conduct violations will be retained for a minimum of three years after the end of the academic year of said violations(s). Cases involving disciplinary suspension will be retained permanently and may only be expunged upon successful application to the vice president for student affairs. Files for suspension for hazing or other serious violations will not be expunged. Case files involving permanent dismissal will be retained permanently.

#### **Notification of Parents of Disciplinary Action (Section Eighteen of the Code)**

- A. The Vice President for Student Affairs Office shall notify the parents of dependent students who have had disciplinary sanctions placed on them. This notification will occur once the imposed sanctions are final, at the expiration of any appeals process and will be limited to cases brought before the Student Conduct Board, College Hearing Panel and Administrative Hearings held at those levels as well disciplinary conferences that result in any type of probationary status. Cases handled by a residence hall director are normally excluded from the notification process, except for cases involving alcohol policy violations. Exceptions also may be made for repeated, minor offenses by a dependent student on any type of probation that could result in removal from the residence hall or other campus housing. In these cases, the residence hall director will consult with the student conduct officer in making the decision to notify the parents.  
In disciplinary cases that involve a student who engages in behavior that poses a serious threat to one's physical or emotional safety or the physical or emotional safety of others, the director of student conduct or his/her designee shall notify the parents of dependent students.
- B. All students enrolled at SUNY Cortland will be considered by the College to be dependent unless they have approved independent status on file with the Financial Aid Office or are at least 25 years of age. Any student who is already emancipated but has not declared her/his emancipation to the College prior to a disciplinary hearing will be given five school days after the hearing to do so. For more information on dependency status and emancipation, contact the Financial Aid Office.
- C. Parental notification will consist of a copy of the decision letter sent to the student, a cover letter to the parents and, at the discretion of the vice president for student affairs, any other written materials deemed informative.

#### **Interpretation and Revision (Section Nineteen of the Code)**

- A. Any question of interpretation regarding the Student Code shall be referred to the vice president for

student affairs or her/his designee for final determination.

B. The Student Code shall be reviewed annually under the direction of the director of student conduct.

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### **340.01 STATEMENT OF ACADEMIC INTEGRITY**

The College is an academic community whose mission is to promote scholarship through the acquisition, preservation and transmission of knowledge. Fundamental to this goal is the institution's dedication to academic integrity. Providing an atmosphere that promotes honesty and the free exchange of ideas is the essence of academic integrity. In this setting all members of the institution have an obligation to uphold high intellectual and ethical standards.

It is the responsibility of the faculty to impart not only knowledge but also respect for knowledge. It is also the professional responsibility of all faculty members to explain the importance of honesty and respect for knowledge in order to ensure an academic environment that encourages integrity. To establish such an environment, students must recognize that their role in their education is active; they are responsible for their own learning. Specifically, it is the responsibility of students to protect their own work from inappropriate use by others and to protect the work of other people by providing proper citation of ideas and research findings to the appropriate source. This includes the obligation to preserve all educational resources, thereby permitting full and equal access to knowledge.

This academic community takes seriously its responsibilities regarding academic honesty. Academic integrity is absolutely essential to ensure the validity of the grading system and maintain high standards of academic excellence. In addition, all members of the academic community must exhibit behavior exemplifying academic honesty and encourage such behavior in others.

### **340.02 VIOLATION OF ACADEMIC INTEGRITY**

A violation of academic integrity as an instance of academic dishonesty can occur in many ways. At SUNY Cortland, instances of academic dishonesty are:

#### **1. Plagiarism**

Students are expected to submit and present work that is their own with proper documentation and acknowledgment when the work of others is consulted and used. Plagiarism can be *intentional* by deliberately presenting the work of others as one's own, or *inadvertent* by accidentally omitting or

erroneously citing sources. Examples of plagiarism that can occur in research papers, lab reports, written reports, oral presentations as well as other assignments are:

- A. Failure to use quotation marks: sources quoted directly must be shown with quotation marks in the body of the project and with the appropriate citation in the references, notes or footnotes
- B. Undocumented paraphrasing: sources "put into one's own words" must have the source cited properly in the body of the project and in references, notes or footnotes
- C. Creating false documentation: purposefully presenting wrong information in references or citations or manufacturing false information used in references, notes and footnotes

## **2. Cheating on examinations**

- A. Looking and/or copying from another student's paper during an examination or in-class assignment
- B. Allowing another student to look or copy from one's work during an examination or in-class assignment
- C. Possessing crib sheets, answer sheets and other information not authorized by the instructor during an examination or in-class assignment
- D. Writing an answer to an in-class examination or assignment and submitting it as written in class
- E. Taking an examination for another student
- F. Allowing or arranging for a second party to take an examination or other in-class assignment
- G. Allowing one's own work to be copied and submitted by another student
- H. Altering or falsifying examination or assignment results after they have been evaluated by the instructor and returned
- I. Possessing and using an electronic device such as a cell phone, personal digital assistant or Blackberry device not authorized by the instructor.

## **3. Other infractions**

- A. Possessing papers, assignments, examinations, reports, lab reports or other assignments that have not formally been released by the instructor
  - B. Obtaining a paper or assignment from an online source, paper mill, another student, or other source and submitting it, wholly or in part, as one's own work
  - C. Possessing work that is similar to another student's, wholly or in part, without permission; allowing one's own work to be copied and submitted by another student.
  - D. Writing or creating a research paper, written report, lab report or other work for another student
  - E. Submitting the same work for two different classes without the approval by both faculty members teaching both classes
  - F. Falsifying College documents
  - G. Presenting false documents or forged documents
  - H. Destroying, vandalizing, altering and/or removing library materials without authorization
  - I. Falsifying data
  - J. Altering or falsifying another student's data, laboratory work, research, assignments or written materials
- (updated 8/22/07)

## **340.03 PROCEDURES FOR HANDLING THE VIOLATION OF ACADEMIC INTEGRITY**

### **Part One: Meeting, Discussion and Conclusion**

- A. The faculty member discovering the instance of academic dishonesty shall make every attempt to

- contact the student within five working days of discovery.
- B. The student will identify a faculty member to serve as a third party impartial witness to the discussion of the charge of academic dishonesty. Should the student not identify a third party witness, the faculty member will make the choice. (Amended Oct. 4, 2004)
  - C. Within five days of contact with the student, a meeting is scheduled by the faculty member to discuss the alleged incident of academic dishonesty. The third party witness is to serve as an independent observer and may not address the charges.
  - D. After the meeting, the faculty member will make a determination of guilty or not guilty. If guilt is decided, the faculty member will assign a penalty.
  - E. Should the student fail to appear at the meeting, the faculty member will make a determination of guilty or not guilty.
  - F. If guilt is decided, the faculty member shall fill out the "meeting and response form" identifying the specifics of the charge and the penalty imposed. The report will be forwarded, within five working days of the meeting, to the Academic Grievance Tribunal (AGT) chair.
  - G. The AGT chair will send a copy of the report to the student who will have two working days to respond. The student response options will be: 1) accept the guilty finding and the penalty; 2) accept the guilty finding but deny the penalty; 3) deny both the guilty finding and the penalty. A student who fails to respond to the report will automatically be found guilty and the penalty will be imposed. No appeals will be given for a failure to respond to the report.
  - H. The Academic Grievance Tribunal will file the student's response to the report with the faculty member and the third-party witness.
  - I. Penalties assigned by the faculty may be amended by the Academic Grievance Tribunal (see Part Two of this section for relevant criteria in determining penalties). Notification of emendation must be made to the student and the faculty member within five working days.

#### **Part Two: The Academic Grievance Tribunal**

- A. A denial of the guilty finding and/or the penalty automatically sets the appeal process in motion. Upon a receipt of the student appeal, the AGT chair shall convene a hearing of the Tribunal.
- B. The hearing must be scheduled within 20 working days of the receipt of the appeal by the AGT chair.
- C. The student shall receive written notice of the hearing at least five working days before the hearing. The notice will be sent by certified mail and email unless that right is waived in writing by the student. The notice will include
  - 1) time and place of the hearing
  - 2) copy of the evidence and documentation in the file and
  - 3) notification of student rights and responsibilities during the grievance process.
- D. If guilt is established through the hearing, the AGT chair may increase the penalty. The AGT chair shall consider student academic and disciplinary records and consult with the faculty member to develop the additional penalty.
- E. The AGT chair will send official notification to the student within five working days of the hearing, with copies to the Provost, the faculty member filing the charge, the department chair and the associate dean for the student's respective department and school, and any other party mentioned in the notification letter. In addition, a copy of the official notification for those majoring in teacher education programs will be sent to the coordinators and TEC Committee on Teacher Education Application Review.
- F. The student may appeal the decision of the AGT to the Provost within five working days after official notification. Grounds for appeal are limited to claims of bias, procedural infractions and/or new evidence.
- G. The Provost will take final action on appeals within 10 working days of the AGT decision.
- H. If a student is found not guilty of the charges at any level of review, all records will be expunged.

Number of days shall be defined as working days, exclusive of College holidays, intersessions and summer. (updated 8/22/07)

### **340.04 RESPONSIBILITIES OF THE ACADEMIC GRIEVANCE TRIBUNAL IN CASES INVOLVING VIOLATION OF ACADEMIC INTEGRITY**

The Academic Grievance Tribunal will hear the following types of cases: 1) cases of students not responding to charges of academic dishonesty 2) cases of students appealing the penalty in a case of academic dishonesty 3) cases of students appealing the guilty finding and the penalty in a case of academic dishonesty. At the conclusion of the hearing, the AGT has the responsibility for finding guilty or not guilty and reviewing the penalty. The AGT chair in consultation with the other faculty members on the Tribunal has the responsibility for reviewing the penalties imposed in cases of academic dishonesty and making emendations as appropriate. It is the responsibility of the AGT chair to amend the procedure in exceptional circumstances.

#### **Procedures**

1. A hearing must be held within 20 working days following receipt of the charge. In cases involving charges brought at the end of a semester, the hearing must be held within 20 working days after the beginning of the next semester. (Summer session is not considered a semester.) The AGT chair may under some circumstances postpone the timeline for hearing cases.
2. A student shall receive written notification including: a) the time and place of the hearing, b) supporting evidence, and c) information concerning his or her rights and responsibilities. This information must be received at least five working days in advance of the hearing. The student and third party may also have access to the case materials.
3. All members (or their alternates) must be present for the hearings of the Tribunal, deliberations and decision. (See section 350.02, C4 for composition of the Tribunal.)
4. The student has the right to object to a Tribunal member hearing the case if the reasons are valid (e.g., member is biased, close friend, hostile toward the alleged violator). The validity of the objection shall be determined by the other members of the Tribunal. In cases where a member of the Tribunal is the faculty member who referred the charges, he or she shall be automatically excused from hearing the case.
5. The student charged may choose not to appear at the hearing or may refuse to make a statement to the Tribunal. However, the Tribunal may make its findings in the absence of such appearance and/or statement.
6. The student has the right to respond to all oral and written testimony presented against him or her.
7. The student has the right to present witnesses and evidence to substantiate his or her case. The Tribunal may, at its discretion, reasonably limit the number of witnesses, provided that no individual having direct knowledge of factual issues in the dispute shall be excluded. The hearing is an administrative procedure that involves the College community. Parents and lawyers are therefore not allowed during a hearing.
8. The student must receive written notification of the results of any hearing no later than 10 working days after the hearing. The student must be informed of his or her right to appeal the decision and the deadline dates to appeal the decision. (See Section 340.03 for grounds for appeal).

#### **Failure to Appear**

If the student fails to appear at a hearing scheduled in accordance with these procedures and the Tribunal believes the failure is without a justifiable excuse, the student may be considered guilty of the violation alleged against him or her if the available evidence would so indicate. An appropriate sanction may be

imposed by the AGT chair. If the student fails to appear, but shows good cause, the Tribunal shall reschedule the hearing in accordance with the guidelines above.

### **Records of Proceedings**

1. A tape-recording shall be made of all AGT hearings (excluding the AGT's deliberations) and the tape-recording maintained for at least one year following the student's departure from the College if the charges are sustained. If the charges are dismissed, the tape can be destroyed before that time.
2. At said hearing, both parties shall be given the opportunity to make any oral arguments. Either party may have someone present to provide assistance. Choice of assistance of this type must be left to the individual parties involved, but the assistant must be a member of the SUNY Cortland community. The hearing is an administrative procedure that involves the College community. Parents and lawyers are therefore not allowed to attend a hearing.  
Provision shall be made for other regular hearing procedures, e.g., calling and cross-examining witnesses, as found necessary by this Tribunal in its operation.
3. A copy of the Tribunal's recommendation (i.e., guilt or innocence), along with voting results, is sent to both the student and faculty member within 10 days after the hearing. If the charges that were the subject of the hearing were, in the judgment of the Tribunal, not sustained, all records will be expunged and the faculty member shall assign an appropriate grade. If, however, the charges are sustained, the AGT, in consultation with the faculty member, will assign an appropriate sanction.
4. Potential sanctions for a violation of the College's policy on academic integrity include, but are not limited to: reduction of grade, elimination of grade, reduction of course grade, failure for the course, probation, suspension, counseling, expulsion from the College or any combination of these sanctions. In those cases where the decision of either the AGT or the provost is for suspension or dismissal, a notation that the student has violated the policy on academic dishonesty shall be made on the official academic record of the student. The student may appeal to the provost to have the notation removed after one year.
5. A student may appeal the decision and/or sanction of the AGT through the Provost and Vice President for Academic Affairs Office within five working days after receiving official notification.

(See Section 340.03 for grounds for appeal).

### **340.05 RESPONSIBILITY OF ADMINISTRATION**

Files of all adjudicated cases of academic dishonesty shall be established and maintained by the Provost and Vice President for Academic Affairs Office. Records of a first cheating incident that results in probation, suspension, or expulsion from the College and/or records for all subsequent offenses shall be placed in a student's official academic record. Files of adjudicated cases that were not placed in the student's official academic record shall be destroyed at the time of the student's graduation.

### **340.06 RESPONSIBILITIES OF FACULTY**

1. Faculty members should model academic integrity for their students and engage them in a discussion of academic integrity in their work as students and scholars. Instances of academic dishonesty should be discussed along with the College's policy on academic integrity
2. Faculty members should conduct all evaluative instruments in a manner that is conducive to maintaining academic integrity.

### **340.07 RESPONSIBILITIES OF STUDENTS**



1. Students are responsible for knowing the policy on academic integrity. Failure of a faculty member to remind a student of what constitutes academic integrity and academic dishonesty will not obviate this responsibility.
2. Students should not provide opportunities for others to obstruct academic integrity.
3. Students should inform a faculty member or member of the administration if any infringement of academic integrity takes place.

(Revised on May 7, 2004 and approved by President Bitterbaum on May 28, 2004)

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## **CHAPTER 350: Academic Grievance System**

- **[350.01 Academic Grievance System](#)**
- **[350.02 Academic Grievance Procedures](#)**

### **350.01 ACADEMIC GRIEVANCE SYSTEM**

- A. For the purpose of this procedure, a grievance shall be a complaint of the following:
1. A violation, misinterpretation or inequitable application of an academic rule, regulation, or policy of the College, school or department.
  2. Unfair or inequitable treatment by reason of any act or condition that is contrary to established policy or practice governing or affecting a present or former student of this College.
  3. Prejudiced, capricious or manifestly unjust academic evaluation.
- B. To facilitate this procedure the following general guidelines are provided:
1. A grievance complaint must be initially presented within 60 days of the alleged grievance excluding any intersession and/or vacation.\*
  2. A grievance complaint must be initiated by the individual affected.
  3. Any present or former student may present a grievance complaint, subject to these guidelines.
  4. If any grievance complaint originates at the department level or higher, an informal settlement is to be attempted at that level with subsequent appeals to be made in accordance with the procedures outlined below.

### **350.02 ACADEMIC GRIEVANCE PROCEDURES**

#### **A. The Department Level**

1. In the case of grievance a student has with an instructor, the student should attempt an informal settlement with the instructor. There may be instances when the student feels s/he needs to involve his or her advisor or department chair in a specific case.
2. If no mutually satisfactory informal settlement can be reached with the instructor, then the student may file a written statement of his or her grievance with the chair of the department in which the grievance occurred. The chair shall hold an informal meeting with the student and the instructor, and make a decision within one week after that meeting.
3. If either party is dissatisfied with the decision made by the department chair, it is the responsibility of the department chair to inform both parties of the next possible recourse, namely to appeal the decision to the dean of the school in which the department is located. Intent to appeal is to be filed, in writing, in the office of the school dean within 10 days after receipt of the department chair's decision.

4. If the grievance is initially with a department chair, then the student is to attempt an informal settlement with the chair. If no mutually satisfactory decision can be reached, then the grievance is to be filed with the school dean as outlined above.

## **B. The School Level**

1. If either party is dissatisfied with the decision made at the departmental level, a written grievance may be brought to the office of the dean of the school in which the grievance occurred within 10 days after receipt of the department chair's decision. The department chair will make available all information relating to the case, his or her decision regarding the case and reasons for his or her decision, and forward statements, arguments, etc. from parties involved in the case.  
\*In each case where the number of days is specified for a certain step in the procedure, it is understood that this shall mean working days, exclusive of local college vacations, intersession and summers.
2. The dean shall convene a special hearing for the case with all involved parties present, within 10 days of the written presentation of the grievance subject to the availability of the parties involved. There may be cases when it is mutually agreeable to both parties involved to have a less formalized settlement than a hearing such as this. If this is the case, the grievance will be handled in some other mutually acceptable manner. It shall be the responsibility of the dean to make these alternatives known to all parties involved in the case.
3. Either party involved in a grievance case may have someone (such as a student's advisor or a faculty member's colleague) present to provide him or her with assistance. Choice of assistance of this type is left to the individual parties involved, but the person chosen must be a member of the SUNY Cortland community.
4. After hearing all facts and opinions relevant to the case, the school dean shall make a decision regarding the specific grievance. S/he shall notify, in writing, all parties involved within one week.
5. A copy of the decision and all pertinent materials shall be kept on file in the respective dean's office for at least one year after the student has graduated or left school.
6. It is the responsibility of the dean to inform all parties involved of the next step (should either of them be unhappy with the decision). In this case, the next step is to appeal to the Academic Grievance Tribunal.

## **C. The Academic Grievance Tribunal (AGT)**

1. Should either party be dissatisfied with the decision at the school level, the grievance shall next come before the Academic Grievance Tribunal.
2. Notice of intent to appeal will be filed in the office of the AGT chair, within one calendar week after receipt of the decision of the school dean.
3. In cases where an academic grievance does not fall within the scope of traditional departmental and/or school lines, the AGT shall have original jurisdiction.
4. Composition
  - a. Faculty: there shall be one faculty member and one alternate from each school. The method of selecting these members shall be determined by the Faculty Senate. Faculty members will serve staggered three-year terms.
  - b. Students: one undergraduate and one graduate student selected from students enrolled in each of the academic schools. These students will be selected by the Student Senate. In cases where the accused is a graduate student, at least one of the two students serving on the AGT must be a graduate student.
  - c. Administrator: The provost's designee shall be the administrative representative on the Tribunal, shall also serve as chair of the Tribunal, and shall have the tie-breaking vote.
  - d. In the event that a member of the Tribunal is directly involved in a grievance s/he shall relieve

himself or herself of his or her vote.

## 5. Procedures

a. In all cases arising from an appeal, the grievant shall submit written arguments within 10 days of the filing of his or her notice to appeal.

b. Upon being notified by the chair of the Tribunal of a pending appeal, the school dean shall forward all records of his or her findings and recommendations, and the reasons for the decisions, to the Tribunal.

c. A copy of said arguments shall be filed with the Tribunal and a copy sent to the respondent. These materials are available in the office of the AGT chair to the Tribunal members and to the designated assistants.

d. The respondent then may file written arguments within 10 days of receipt of the grievant's arguments, one copy of which is to be submitted to the Tribunal, and one copy to the grievant.

e. Within two weeks after the receipt of any written arguments and of the records above, the Tribunal shall notify the parties of the time and place of the hearing.

f. At said hearing, both the grievant and the respondent shall be given the opportunity to make oral arguments expanding on their written arguments. Either party may again have someone present to provide assistance, as described above in Section B (3). The grievant and the respondent may each communicate with his/her respective assistant throughout the hearing. Provision shall be made for other regular hearing procedures and other provisions as found necessary by this Tribunal in its operations. A tape-recording shall be made of all AGT hearings (establishing facts, but not of the AGT's deliberations) and the tape-recordings maintained for at least one year following the student's departure from the College if the charges are sustained. If the charges are dismissed, the tapes can be destroyed before that time.

g. The Tribunal shall then render its decision that the grievance will be upheld or denied to the provost and vice president for academic affairs. All members of the AGT will sign the recommendation to the provost. Copies of the Tribunal's recommendation and reasons shall be sent to the grievant, the respondent and the provost and vice president for academic affairs, who shall also receive all other pertinent materials gathered by the Tribunal. Should the final decision of the provost and vice president for academic affairs be different from the Tribunal's recommendation, copies of the provost and vice president's justification shall be sent to the grievant, the respondent and the Tribunal within 10 days of the receipt of the Tribunal's recommendation. The Provost and Vice President for Academic Affairs Office is responsible for seeing that the decision is carried out.

h. A copy of the provost's decision plus all pertinent materials from the Tribunal shall be kept on file in the Provost and Vice President for Academic Affairs Office for at least one year after the student has graduated or left the College.

i. A student may appeal the decision and/or sanction through the President's Office within five working days after receiving official notification. Grounds for appeal are limited to claims of bias, procedural infractions and/or new evidence. Final action on appeals will be taken by the president within 10 working days.

(Policy approved Feb. 5, 1973; amended Nov. 16, 1977. Revised and approved by the Faculty Senate, Jan. 26, 1993 and approved by President Clark, Jan. 29, 1993; Chapter 350.02C amended May 7, 2004 and approved by President Bitterbaum on May 28, 2004)

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## **CHAPTER 360: SUNY Cortland Alcohol and Other Drug Policies**

- **[360.01 General Philosophy Regarding Alcohol Use](#)**

- **360.02 Policies and Procedures**
- **360.03 Drug and Alcohol Abuse Prevention**
- **360.04 Problem Drinking**
- **360.05 Other Drug**

### **360.01 GENERAL PHILOSOPHY REGARDING ALCOHOL USE**

SUNY Cortland strives to create an academic and psychosocial environment conducive to the intellectual and personal development of its students and to the safety and well-being of all members of the College and surrounding community. This goal is reflected in the alcohol policies and procedures that follow. SUNY Cortland permits the use of alcoholic beverages on campus by those who are in compliance with the State law and who adhere to the guidelines established by the College. More than three-quarters of the student body are under the age of twenty-one, and the College prefers that they not be excluded from activities at which alcoholic beverages are available. Approved precautionary measures are to be taken to prevent alcoholic beverages from being dispensed to such persons.

The College maintains that choosing not to drink is as acceptable as choosing to drink. The College expects its citizens who drink to do so responsibly. When excessive drinking or drunkenness occurs, it will be met with disapproval and appropriate sanctions will be imposed for misconduct. Intoxication does not excuse misconduct or infringement upon the rights and property of others.

### **360.02 POLICIES AND PROCEDURES**

1. The use of alcoholic beverages must be consistent with the laws of the State of New York. The Alcoholic Beverage Control Law, Section 65, as amended 1989:

- prohibits the sale of alcoholic beverages to any person under the age of 21;
- prohibits anyone from inducing the sale of alcoholic beverages for any person under the age of 21 by misrepresenting such person's age;
- prohibits the provision of and possession with intent to consume of alcoholic beverages to any person under the age of 21;
- prohibits anyone under the age of 21 from purchasing or attempting to purchase alcoholic beverages by fraudulent means. Attempting to obtain alcohol illegally by using a New York State driver's license risks suspension of said license.
- classifies as a Grade B misdemeanor subject to arrest and fine the act of any person, other than parent or guardian, who gives or sells alcoholic beverages to anyone under the age of 21.

2. The following actions constitute violations of College policy:

- a. Behavior by an intoxicated person such that he or she becomes a public nuisance.
- b. Consumption of alcoholic beverages:
  1. during intercollegiate athletic, intramural and sport club events.
  2. in any building or area of campus unless approved by the Alcohol Advisory Committee except as provided in 3a below.
- c. Failure to take reasonable measures to identify underage persons and to ensure that alcoholic beverages are not served to such persons.
- d. Failure to provide equally accessible nonalcoholic beverages whenever alcoholic beverages are available.
- e. Serving of alcoholic beverages to individuals who are or appear to be intoxicated.

3. Guidelines pertaining to the use of alcoholic beverages on campus and at College events.

- A. Individuals: Students living in College residence halls who are 21 years or older shall be allowed to possess and consume alcoholic beverages in their rooms, in compliance with New York State law and consistent with other college regulations pertaining to possession and consumption.

**Students under the age of 21 shall not be allowed to possess, consume, distribute or be in the presence of alcoholic beverages.**

No alcoholic beverages shall be permitted in rooms of students where all residents are under the age of 21, even if a student 21 years of age or older is present. Only quantities and containers appropriate to individual consumption are permitted for private use by students of legal age. Although students are permitted to entertain friends in their rooms, residence halls are primarily intended for study and sleep and are not designed for loud, crowded parties. Students are responsible for behavior that occurs in their rooms. It will be assumed that the alcohol is contributing to the disorderly behavior and all alcoholic beverages will be immediately confiscated by the College staff to be returned at some future date if the student is in compliance with State Law, but to be legally destroyed if the student is under the age of 21. Refusal to comply with a request to hand over alcoholic beverages under these conditions is a violation of College policy.

**The individual(s) hosting the disruptive or disorderly gathering in a room will be held responsible for the event and will be subject to appropriate disciplinary action.**

- B. College-wide:

1. The College president will appoint an Alcohol Advisory Committee representing the entire College community. Campus events involving the serving of alcohol will be registered with the Alcohol Advisory Committee before the event occurs. Requests to hold on- or off-campus events that involve the serving of alcohol and include underage persons must be filed at least 30 days prior to the event and must receive written approval from the Alcohol Advisory Committee before the event occurs. The Alcohol Advisory Committee will monitor alcohol use at official College events and evaluate compliance with the alcohol policy.

2. Registration should include the following information:

(a) A description of the nature of the event.

(b) The date, time and place and expected duration.

(c) A description of the kinds and amounts of alcoholic drinks, food and nonalcoholic beverages to be provided.

(d) A mechanism for ensuring that underage persons will not be served or given alcoholic beverages.

(e) The name of the person with primary responsibility during the event.

3. Publicity and promotion of College activities will exclude mention of alcoholic beverages.

4. Events at which alcoholic beverages are being served may be terminated if the building administrator (or the designee), University Police, or the person having primary responsibility has reason to believe that the College policy is not being observed or that the situation is becoming uncontrollable.

5. Prohibited alcoholic beverages may be confiscated and destroyed.

- C. In Corey Union:

1. Corey Union is a “fully licensed premise.” The building must conform to all laws and regulations mandated by the State of New York Liquor Authorities. The licensee is the Auxiliary Services Corporation (ASC). ASC has sole rights to the purchase and sale of alcohol on the premises. Under state law, no one except ASC may sell or redistribute alcohol in Corey Union. Prices for alcoholic beverages in Corey Union will approximate the prices elsewhere in the City of Cortland.

2. Alcoholic beverages for private or closed parties must be purchased from ASC for consumption in areas approved by the building administrator and the Alcohol Advisory Committee. All requests for the use of alcohol in Corey Union must be accompanied by the appropriate facilities request form (available in the Corey Union Business Office), and an alcohol use request form (available from the ASC Office). Events at which alcohol is being served may be terminated if the building administrator (or the designee), University Police, or the individual responsible for the event has reason to believe that the situation is becoming uncontrollable.

### **360.03 DRUG AND ALCOHOL ABUSE PREVENTION**

The Drug Free Schools and Communities Act Amendment of 1989 (Public Law 101-226)

Title XII of the Higher Education Act of 1965 (20 U.S.C. 1001 et. seq.) is amended by adding at the end a new section 1213 to read as follows:

#### **Drug and Alcohol Abuse Prevention**

Sec. 1213.

(a) Notwithstanding any other provision of law, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, unless it certifies to the secretary that it has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes

(1) the annual distribution to each student and employee of

(A) standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

(B) a description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;

(C) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

(D) a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and

(E) a clear statement that the institution will impose sanctions on students and employees (consistent with local, state and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph (1)(A); and

(2) a biennial review by the institution of its program to

(A) determine its effectiveness and implement changes to the program if they are needed; and

(B) ensure that the sanctions required by paragraph (1)(E) are consistently enforced.

(b) Each institution of higher education that provides the certification required by subsection (a) shall, upon request, make available to the secretary and to the public a copy of each item required by subsection (a)(1) as well as the results of the biennial review required by subsection (a)(2).

(c) (1) The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for

(A) the periodic review of a representative sample of programs required by subsection (a); and

(B) a range of responses and sanctions for institutions of higher education that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

(2) The sanctions required by subsection (a)(1)(E) may include the completion of an appropriate rehabilitation program.

(d) Upon determination by the Secretary to terminate financial assistance to any institution of higher education under this section, the institution may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such institution is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such

judge may extend such 45-day period upon a motion by the institution concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.

#### **EFFECTIVE DATE**

(A) Except as provided in subparagraph (B), the amendment made by paragraph (1) shall take effect on Oct. 1, 1990.

(B) The Secretary of Education may allow any institution of higher education until not later than April 1, 1991, to comply with section 1213 of the Higher Education Act of 1965 (as added by paragraph (1)) if such institution demonstrates

- (i) that it is in the process of developing and implementing its plan under such section; and
- (ii) it has a legitimate need for more time to develop and implement such plan.

The College commits itself to educating its constituencies regarding alcohol consumption and its physiological, psychosocial and behavioral effects. Efforts will be made to identify the intrapersonal and interpersonal conditions that foster abusive drinking, and skill development workshops will be offered to assist students in coping with the academic, emotional and social pressures they face.

It is important to recognize that many college students have "negative" role models regarding the consumption of alcoholic beverages. The misuse and abuse of alcohol is prevalent in the U.S. On those occasions when alcohol is consumed by persons on campus, it is important that distinctions be made between "acceptable" and "unacceptable" alcohol-related behavior. Therefore, in addition to the regulatory policies and procedures, the College will conduct educational experiences designed to foster an environment in which people understand and respect the power of alcohol as an intoxicant and learn to use it with care and responsibility.

#### **360.04 PROBLEM DRINKING**

SUNY Cortland offers and supports individual or group counseling for all members of the College community whose alcohol consumption impairs their academic and/or job performance, creates significant interpersonal conflict, or contributes to damaging school or private property. The College's students receive services through student affairs programs and the faculty/staff are served through employee assistance programs.

#### **360.05 OTHER DRUGS**

1. The illegal possession and/or use of marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances is in violation of federal and state law. The College will not protect members of the College community from prosecution under the law. Providing information (about the possession, sale, or use of controlled substances) to law enforcement agencies is left completely to the discretion of the individual student, faculty, staff member or administrator. Decisions of this nature are a matter of conscience and individuals making the decision to provide such information can do so with the assurance that they will be supported by the College. In the event that an official investigation occurs, the persons involved will be advised of their rights under the law. Legal counsel will not be provided by the College. The College expects that individuals who choose to possess, sell or use controlled substances must be prepared to accept complete responsibility for their actions.
2. The College has an obligation to provide its members with information on the medical, psychological and legal consequences of the use of controlled substances. In addition to formal presentations and

informal discussions, audiovisual and printed material will be utilized to accomplish this task.

3. Persons with drug problems or dependencies will be encouraged to seek professional assistance through the College Counseling Service, the College Health Service, approved rehabilitation programs, or private sources. The College shall consider conferences with resource persons privileged and confidential, subject to the standards established by the medical and psychological professions within the limits of state and federal laws.

(Approved by the College Council, May 14, 1983; revised May 1986 and again in May 1990)

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### **TOP**

## **CHAPTER 370: Policy on Students with HIV Disease**

### **STATEMENT OF POLICY**

The campus response to persons with HIV disease or HIV disease related conditions will be determined on a case-by-case basis. College officials will analyze and respond to each case as required by its own particular facts.

There will be no additional information requested on the medical history/physical examination form required of students before enrollment.

Consideration of the existence of HIV disease, ARC or a positive HIV-III antibody test will not be part of the initial admission decision for those applying to attend this institution.

Decisions about residential housing of students with HIV disease, ARC or a positive HIV-III antibody test will be made on a case-by-case basis using the best currently available medical information.

Guidelines concerning the handling of confidential medical information about students with HIV disease, ARC or positive HIV-III antibody test will follow the general standards established by the New York State Department of Health and the general standards included in the American College Health Association's Recommended Standards and Practices for a College Health Program.

Additional information on this policy is available from the Vice President for Student Affairs Office and the Human Resources Office.

### **TOP**

## **CHAPTER 380: State University Housing Policies**

- **380.01 Rules and Regulations**
- **380.02 Responsibility for Room and Contents**
- **380.03 Administration of Housing**
- **380.04 Chief Administrative Officers Authorized to Make Rules and Regulations for Student Housing**
- **380.05 Residence in College-Operated or Approved Housing**
- **380.06 Approval of Off-Campus Housing**
- **380.07 Limitations on Separate Programs for Ethnic Minority Group Students**
- **380.08 Guest Room Use Policy**



- **380.09 Current Local Address, Local Phone Number and Valid email Address**

### **380.01 RULES AND REGULATIONS**

Failure to comply with the following policy statements is a violation of College policy and any student who is guilty of violating any of these regulations or who fails to pay any fee or assessment as required shall be subject to such appropriate disciplinary action as may be deemed necessary by the chief administrative officer of the unit at which the student is in attendance.

- A. The housing of any student in any College-operated building is conditioned upon his/her continued attendance in good standing as a student of the College, the payment of all tuition, fees, charges and assessments that are imposed, as well as compliance with the rules and regulations of this code. It is also understood that students must comply with any and all published housing and residence regulations.
- B. Each student assigned housing in College-operated buildings will be held responsible for any damage to his/her assigned room or quarters; to the furniture, fixtures, equipment and effects contained therein; and for any damage caused by him/her to any other part of the premises or attendant facilities.
- C. In the event that two or more students occupy the same room or quarters, and it cannot be determined which student is responsible for damages, assessments will be made against both or all equally.
- D. Each student has the responsibility to report immediately the need for repairs to his/her room or quarters, furniture, fixtures, equipment and effects contained therein.
- E. All students when on College property and residential premises shall conduct themselves in an orderly manner and shall take care to see that no damage, defacement or other injury is caused to such property; ordinary wear and tear excepted.

(NOTE: Please refer to the room and board license and Key to Residence Hall Living for specific information regarding violations of residence life and housing policies.)

### **380.02 RESPONSIBILITY FOR ROOM AND CONTENTS**

- A. When students commence residence in a room or quarters in College-operated housing, inspection of the existing condition will be noted on a Room Condition Report and the students shall be required to sign this form.
- B. The Room Condition Report shall include items that have been assigned to an individual and for which she or he will be held responsible as an individual. It will also include suite lounges and other public areas that have been assigned to roommates or suitemates and for which they are collectively responsible.
- C. Upon termination of the students' residency, a second inspection of the room or quarters will be made and all items of damage not previously noted will be recorded, evaluated and assessed against the students who occupy the room or quarters accordingly.

### **380.03 ADMINISTRATION OF HOUSING**

The chief administrative officer of each institution shall have the power and duty of administering these rules and regulations and is hereby authorized to adopt such additional rules and regulations as in his/her opinion may be necessary for such purpose, not inconsistent herewith, subject to the prior approval thereof by, and the filing of such regulations with, the chancellor of the State University.

### **380.04 CHIEF ADMINISTRATIVE OFFICERS AUTHORIZED TO MAKE RULES AND REGULATIONS FOR STUDENT HOUSING**

- A. Subject to these regulations the chief administrative officer of each state-operated unit of the University is hereby authorized to make and administer rules and regulations for student housing that may:
1. Prescribe the extent to which students in full-time attendance, other than married students or students residing with a parent or parents, shall be required to live in College-operated housing operated by such unit, and
  2. Provide the procedure for obtaining the permission of such chief administrative officer or such other officer or officers as s/he may designate to live off-campus.
- B. In making such rules and regulations each chief administrative officer shall give consideration to the extent to which housing is available and utilized in College-operated housing, to the availability and suitability, with respect to health, safety, and supervision, of off-campus housing and to provide for individual cases under special circumstances.

### **380.05 RESIDENCE IN COLLEGE-OPERATED HOUSING OR APPROVED HOUSING**

Every student in full-time attendance at a state-operated unit of the University, other than married students or students residing with a parent or parents, shall be required to live in College-operated housing maintained and operated by such unit or to have permission under such provisions as may be made therefore by the chief administrative officer of such unit to live off-campus.

### **380.06 APPROVAL OF OFF-CAMPUS HOUSING**

The College does not inspect or supervise private off-campus housing facilities. The College is not a party to any lease or contract between a student and an operator of private housing facilities.

### **380.07 LIMITATIONS ON SEPARATE PROGRAMS FOR ETHNIC MINORITY GROUP STUDENTS**

Compliance requirements of Title VI and the Civil Rights Act of 1964:

#### **A. Separate Housing for Students Based on Race**

All housing that is owned, operated or supported by the institution or a public agency must be available to all students without regard to race, ethnicity or national origin and assignment to such housing must be made in a nondiscriminatory manner.

#### **B. Separate Social Activity Space**

Where the institution donates or otherwise makes available institution-owned facilities or land for student use or activities or where it provides funds or other financial assistance to acquire or operate facilities for such activities, it must be assured that the activities are to be operated without discrimination based on race, ethnicity or national origin.

#### **C. Separate Colleges, Schools or Institutions**

Every service and benefit offered by the institution to students must be open and available to all students without regard to race, ethnicity or national origin. (Dept. HEW, March 1969)

### **380.08 GUEST ROOM USE POLICY**

The College provides limited guest accommodations for official guests of College departments, student clubs, the student activities board, the Student Government Association, the Auxiliary Services Corporation and Greek field representatives. College associates who have retired, transferred or resigned from service are also permitted to use the guest accommodations for one to two nights provided a current member of the faculty/staff assumes the role of host/hostess.

Accommodations are also available for parents or immediate family of students involved in emergency or crisis situations and for campus personnel during a time of campus or community emergency.

**Long-term use of guest accommodations is subject to approval:**

- Four to six days — director of residence life and housing
- Seven to 14 days — vice president for student affairs
- More than 14 days — President's Cabinet

Information regarding charges and reservations can be secured through the Residence Life and Housing Office.

(Approved by President Clark, Jan. 30, 1990)

### **380.09 CURRENT LOCAL ADDRESS, LOCAL PHONE NUMBER AND VALID EMAIL ADDRESS**

In order to effectively communicate with all members of the College community, the College requires students to register a current local address, local phone number and valid email address. This information is required in order for students to complete any registration functions. Any changes in local directory information must be submitted within two weeks. Directory changes may be submitted directly to the Registrar's Office.

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## **CHAPTER 390: SUNY Cortland Recognition of Fraternities and Sororities**

**[390.01 Recognition of Fraternities and Sororities](#)**

**[390.02 GPA Requirements](#)**

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**[390.04 Affiliation with Banned Greek Organizations](#)**

### **390.01 RECOGNITION OF FRATERNITIES AND SORORITIES**

Fraternity and sorority colonies/chapters of a national or local organization will be held responsible for positive contributions to the primary educational mission of the College, and therefore, are under an obligation to encourage the most complete personal development of their members, intellectually and socially.

Effective May 1, 1988, only nationally affiliated sororities/fraternities may colonize at SUNY Cortland.

Recognition information, procedures and guidance can be obtained through the Campus Activities and Corey Union Office. The vice president for student affairs has the right to revoke university recognition if the fraternity or sorority fails to comply with any of the recognition guidelines.

(Approved by College Council, May 14, 1988)

### **390.02 GPA REQUIREMENTS**

No non-transfer student shall rush for a Greek social organization until that student has earned at least 12 credit hours at Cortland, and earned a grade point average of 2.0 or better, with this verification to occur by the Student Affairs Office after Greek organizations have submitted lists of proposed members to the Campus Activities and Corey Union Office. Any Greek organization failing to comply with the above stipulation shall be suspended for a minimum of one year, and any Greek organization failing to submit full required information on this matter shall also be suspended for one year.

(Approved by College Council, May 1991)

### **390.03 TRANSFER PLEDGE POLICY**

Transfer students who wish to join recognized Greek organizations during their first semester here are required to have a minimum of 24 post high school credit hours and have a minimum grade point average of 2.5 for those credit hours. It is the responsibility of each Greek organization to submit a roster to the Campus Activities and Corey Union Office with the names of each first-semester transfer student wishing to join that organization. This roster will include each student's post high school credit hours and his/her grade point average that will be verified by the Campus Activities and Corey Union Office prior to the student beginning the new member/pledging process. The Campus Activities and Corey Union Office will maintain records of this process. At the end of a two-year period, the Faculty Senate will review these records and make a recommendation regarding the continuation of this policy.

(Approved by President Taylor, July 2000)

### **390.04 AFFILIATION WITH BANNED GREEK ORGANIZATIONS**

SUNY Cortland students are prohibited from joining or affiliating with any groups that have been permanently banned by the College. For this purpose, affiliation is defined as joining, rushing, pledging or being involved in any activity that would normally be associated with being a member of an organization. In addition, residing in facilities that are owned or controlled by these organizations is considered affiliation. This policy is effective May 3, 2000, meaning that any students who were affiliated with groups banned by the College prior to that date will not be considered in violation of this policy.

(Approved by College Council, May 3, 2000)

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