



University Policies for Students

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Listed below are policies the University has adopted to ensure the health, safety, and well-being of the campus community.

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Complaints

A complaint of misconduct is usually written by a complainant and includes specific allegations or charges of misconduct. The complaint will be discussed with the complainant and the accused during separate interviews. If there appears to be grounds for disciplinary action, it will be addressed through the appropriate procedures. If the complaint is found to be unwarranted or if there is not enough evidence to proceed, the complainant will be so advised. The complaint, relevant evidence, and related charges are shared with the accused so that the accused can prepare a defense in the event of a conduct hearing. Faculty, staff, students, and community members are encouraged to report incidents of misconduct. Police reports and Residence Hall incident reports are also used to report violations of University conduct standards.

The purpose of this policy is to specifically clarify those behaviors and activities which constitute violations of University regulations and New York State laws pertaining to hazing, and to provide some guidance to student organizations in designing new member programs and activities, which serve to protect the human dignity and safety of all persons which will be permitted. This policy applies to all members of a student organization including alumni members. No organization may engage in any form of hazing. A student found responsible for hazing may receive a permanent transcript notation on their transcript. This is more particularly described in the Permanent Transcript Notation Policy.

Hazing is defined as engaging in any action or creating a situation intentionally or unintentionally designed to produce mental or physical discomfort, harassment, fatigue, intoxication, or excessive ridicule in the course of another person's initiation into or affiliation with any organization. Such activities and situations may constitute hazing but are not limited to the following:

1. disfiguration to include branding or self-mutilation
2. paddling in any form
3. creation of excessive fatigue
4. physical and psychological shocks
5. activities such as quests, treasure hunts, drinking games, scavenger hunts, road trips, etc. which are conducted in an illegal, demeaning, or dangerous manner
6. public wearing of apparel which is conspicuous and not normally in good taste
7. engaging in public stunts and buffoonery
8. morally degrading or humiliating games and activities
9. any activities which interfere with class attendance, class preparation or scholastic activities or activities which are disruptive to any university department or office or classroom
10. verbal abuse which leads to public embarrassment or humiliation
11. implication that an act of hazing could be pre-initiatory
12. engaging in or encouraging excessive or illegal drinking or drug use
13. any other activities that are not consistent with fraternal law, ritual or policy, or the policies and regulations of Fredonia.

Fredonia reserves the right to revoke recognition of any student organization or club that is found to have violated these rules. Appropriate review of alleged violations may include review by the Vice President for Student Affairs and the Director of Student Conduct. Member organizations of Inter-Greek Council and Pan-Hellenic Council may also be reviewed by their respective Judicial Boards. Revocation of recognition may not preclude the imposition of the University Judicial Board; but when considered by the Vice President for Student Affairs to be serious in nature, could result in immediate suspension of organizational recognition until such time as the allegations have been appropriately adjudicated.

Students are prohibited from pledging, joining, or accepting membership with a fraternity, sorority, or student organization which as been expelled/dismissed. Given the University's concern regarding the physical and/or mental health that expelled/dismissed student organizations pose, individual students who join expelled/dismissed student organizations may be charged with a violation of this regulation and receive a sanction that would expel them from the University. Students who choose to rush, pledge, and/or join an expelled/dismissed organization can be charged through the Code of Conduct and be expelled/dismissed from the University.

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University Policy on Sexual Violence Prevention and Response

The Fredonia campus will not tolerate sexual assault in any form, including acquaintance rape. This also includes, but is not limited to, the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Where there is reasonable cause to believe that the University regulations prohibiting sexual assault have been violated, the campus will pursue strong disciplinary action through its own channels. This discipline includes the possibility of suspension or expulsion/dismissal from the University.

A student charged with an act of sexual violence can be prosecuted under New York State criminal statutes and disciplined under the campus code of student conduct. Even if the criminal justice authorities choose not to prosecute, the campus can pursue disciplinary action. A student may be charged under Section 2(f) of the Standards of Behavior.

In addressing cases of sexual assault, the State University of New York at Fredonia works to ensure fairness and to provide support for all persons involved. Students who have questions about the procedures and protections provided in these cases are encouraged to contact the [Title IX Coordinator](#), the Office of Student Affairs, and/or University Police. Students are also encouraged to take advantage of the Counseling Center and Health Center for further assistance.

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Definition of Affirmative Consent

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

- a) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c) Consent may be initially given but withdrawn at any time.
- d) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- e) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- f) When consent is withdrawn or can no longer be given, sexual activity must stop.

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Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. Fredonia recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Fredonia strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Fredonia officials or law enforcement will not be subject to Fredonia's Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

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Students' Bill of Rights

The State University of New York and Fredonia are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in University-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes and violations;
7. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
8. Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Options in Brief:

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- ▶ **Advocacy and Counseling**
 - ▶ CEASE, Counseling Center, LoGrasso Hall, [716-673-3424](tel:716-673-3424)
 - ▶ Campus, Education, Awareness, Support, and Effect (CEASE) is the violence prevention – victim services program at Fredonia. CEASE provides advocacy and referrals for Fredonia students that are survivors of sexual and interpersonal violence. We can answer questions, offer emotional support, and provide referrals for legal, medical, judicial, and counseling options.
 - ▶ Counseling Center, LoGrasso Hall, [716-673-3424](tel:716-673-3424)
 - ▶ The Counseling Center can provide mental health services for survivors of sexual violence; services are free and confidential. For after-hours assistance from the Counseling Center, please contact University Police and ask for the counselor on-call.
 - ▶ The Anew Center of Jamestown (The Salvation Army), [1-800-252-8748](tel:1-800-252-8748)
 - ▶ Provides a 24/7 helpline for survivors of sexual assault and relationship violence. The helpline can answer questions, provide referrals or send a victim advocate to meet with you.
- ▶ **Medical Treatment and Evidence Collection**
 - ▶ Brooks Memorial Hospital can provide medical treatment to survivors of sexual assault. They can offer treatment for injuries, STD testing and treatment, the morning after pill, and basic evidence collection (also known as 'rape kits'). Advocates from The Anew Center can be contacted to provide advocacy services. Survivors who have a sexual assault kit completed do not have to file a police report or press criminal charges.
 - ▶ Contact Information: 529 Central Avenue – Dunkirk, [716-366-1111](tel:716-366-1111)
 - ▶ The Health Center can provide treatment for injuries, the morning after pill, and referrals to outside providers for additional services. The Health Center does not provide evidence collection services (also known as 'rape kits'). They can provide you with transportation to Brooks Hospital to have evidence collected.
 - ▶ Contact Information: LoGrasso Hall, [716-673-3131](tel:716-673-3131)
 - ▶ Chautauqua County Health Department - Reproductive Health Services Clinic can provide free and confidential STD/HIV testing and treatment and the morning after pill.
 - ▶ Contact Information: 319 Central Avenue – Dunkirk, [716-363-3660](tel:716-363-3660)
 - ▶ FRED ASSIST - Sexual health clinic that offers services to all Fredonia students. Services include: pap smears, testing for chlamydia and gonorrhea (urine test for males & females), emergency contraception (at clinics only), and hormonal contraception. Please see FRED ASSIST for a complete price list for services. Clinical services are provided by a medical staff and student volunteers staff office hours to answer questions regarding sexual health and make appointments for the clinic. Services are confidential.
 - ▶ Contact Information: LoGrasso Hall (rear of building), [716-673-3396](tel:716-673-3396)
- ▶ To confidentially or anonymously disclose a crime or violation, who by law can maintain confidentiality and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy www.fredonia.edu/sexualassault)
 - ▶ Anonymously online: www.fredonia.edu/about/offices/university-police/silent-witness
 - ▶ Confidential: Counseling Center, LoGrasso Hall, [716-673-3424](tel:716-673-3424);
- ▶ **Make a report to:**
 - ▶ An employee with the authority to address complaints, including the Title IX Coordinator, Director of Student Conduct, or a Human Resources employee;
 - ▶ University Police;
 - ▶ Local law enforcement; and/or
 - ▶ Family Court or Civil Court.

Copies of this Bill of Rights shall be distributed annually to students, made available on every University's website, and posted in each campus residence hall, dining hall, and student union or campus center and shall include links or information to access the Sexual Violence Response Policy below and the Options for Confidentially Disclosing Sexual Violence.

Sexual Violence Response Policy

In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

I- Reporting:

- ▶ To report *confidentially* the incident to one of the following University officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy (www.fredonia.edu/sexualassault)
 - ▶ Anonymously online: www.fredonia.edu/about/offices/university-police/silent-witness
 - ▶ Counseling Center, LoGrasso Hall, [716-673-3424](tel:716-673-3424);

- ▶ To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <https://opdv.ny.gov/survivors-victims> (or by calling 1-800-942-6906), and assistance can also be obtained through:
 - ▶ Legal Momentum: <https://www.legalmomentum.org/>;
 - ▶ NYSCASA: <http://nyscasa.org/>;
 - ▶ NYSCADV: <http://www.nyscadv.org/>;
 - ▶ Pandora's Project: <https://pandys.org/about-sexual-assault/>;
 - ▶ GLBTQ Domestic Violence Project: <http://www.glbtdv.org/>;
 - ▶ RAINN: <https://www.rainn.org/get-help>;
 - ▶ Safe Horizons: <http://www.safehorizon.org/>.
 - ▶ (note that these hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

- ▶ To report the incident to one of the following University officials who can offer *privacy* and can assist in obtaining resources (note that an official who can offer privacy may still be required by law and University policy to inform one or more University officials about the incident, including but not limited to the Title IX Coordinator):
 - ▶ Title IX Coordinator;
 - ▶ University Police;
 - ▶ Office of Student Affairs;
 - ▶ Office of Student Conduct;
 - ▶ Office of Residence Life

- ▶ To file a criminal complaint with University Police and/or with local law enforcement:
 - ▶ University Police, 2nd Floor of Gregory Hall, [716-673-3333](tel:716-673-3333)
 - ▶ Fredonia Police Department, 9 Church St., Fredonia, NY, [716-679-1531](tel:716-679-1531)

- ▶ To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with University policy. If a victim/survivor wishes to keep their identity private, they may call the Title IX Coordinator anonymously to discuss the situation and available options:
 - ▶ Title IX Coordinator, 2121 Fenton Hall, [716-673-3358](tel:716-673-3358)

- ▶ When the accused is an employee, a victim/survivor may also report the incident to the Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the University, University officials will, at the request of the victim/survivor, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and University policy.
 - ▶ Human Resources Office, 511 Maytum Hall, [716-673-3434](tel:716-673-3434)

- ▶ You may withdraw your complaint or involvement from the University process at any time.

II- Resources:

- ▶ To obtain effective intervention services
 - ▶ Counseling Center, LoGrasso Hall, [716-673-3424](tel:716-673-3424)

- ▶ Student Health Center, LoGrasso Hall, [716-673-3131](tel:716-673-3131).
- ▶ Brooks Memorial Hospital, 529 Central Avenue, Dunkirk, NY, [716-366-1111](tel:716-366-1111), www.brookshospital.org
 - ▶ Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available.
 - ▶ **The Chautauqua County Health Department**, 319 Central Avenue, Dunkirk, NY, [716-363-3660](tel:716-363-3660), <http://www.co.chautauqua.ny.us/593/Reproductive-Health>
 - ▶ Fred ASSIST, LoGrasso Hall, [716-673-3396](tel:716-673-3396)
 - ▶ Sexual health clinic that offers services to all Fredonia students.
 - ▶ Services include: pap smears, testing for chlamydia and gonorrhea (urine test for males & females), emergency contraception (at clinics only), and hormonal contraception. Please see FRED ASSIST for a complete price list for services. Clinical services are provided by a medical staff and student volunteers staff office hours to answer questions regarding sexual health and make appointments for the clinic. Services are confidential.

Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: <https://ovs.ny.gov/system/files/documents/2022/06/rights-crime-victims-booklet.pdf>, or by calling 1-800-247-8035. Options are explained here: <https://ovs.ny.gov/help-crime-victims>.

To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

International Resources:

Sexual Assault Support and Help for American Abroad: <https://travel.state.gov/content/travel/en/international-travel/emergencies/crime.html>

- ▶ A non-profit organization that can help US citizens who are victims of sexual assault or domestic violence. SASHAA has trained staff members who can offer expertise specific to the victim's host country. Before an individual reports or seeks medical treatment for sexual violence, they should call SASHAA to confirm that it is safe to do so.

<https://www.geobluestudents.com/>

- ▶ All international and study abroad students are enrolled in GeoBlue Insurance for the duration of their program. GeoBlue offers crisis management and pre-trip planning services for participants, and also can connect participants with medical and counseling services in their host country.

III- Protection and Accommodations:

- ▶ When the accused is a student, to have the University issue a "No Contact Order," consistent with the University policy and procedure, meaning that continuing to contact that protected individual is a violation of University policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with Fredonia policy. Parties may submit evidence in support of their request.
 - ▶ Both the accused or respondent and the reporting individual shall, upon request and consistent with institution policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of their request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual.
- ▶ To have assistance from University Police or other University officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- ▶ To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a University official who can explain the order and answer questions about it, including information from the Order about the accused's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- ▶ To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- ▶ To have assistance from University Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of University Police or, if outside of the jurisdiction or to call on and assist local law enforcement in effecting an arrest for violating such an order.

- ▶ When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for terms of an interim suspension.
 - ▶ Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of their request.
- ▶ When the accused is not a student but is a member of the University community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and Fredonia policies and rules.
- ▶ When the accused is not a member of the University community, to have assistance from University Police or other University officials in obtaining a persona non grata letter, subject to legal requirements and University policy.
- ▶ To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:
 - ▶ Title IX Office, 2121 Fenton Hall, [716-673-3358](tel:716-673-3358)
 - ▶ Both the accused or respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects them, and shall be allowed to submit evidence in support of their request.

IV- Student Conduct Process:

- ▶ To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the University Student Handbook as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- ▶ Throughout conduct proceedings, the accused and the victim/survivor will have:
 - ▶ The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
 - ▶ The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
 - ▶ The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
 - ▶ The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
 - ▶ The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
 - ▶ The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the University).
 - ▶ The right to present evidence and testimony at a hearing, where appropriate.
 - ▶ The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
 - ▶ The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in University disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
 - ▶ The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
 - ▶ The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

- ▶ The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- ▶ The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- ▶ Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- ▶ The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
 - ▶ Office of Student Conduct, G105 Williams Center, [716-673-4726](tel:716-673-4726)
 - ▶ Fredonia shall ensure that every student be afforded the following rights throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's Code of Conduct
 - ▶ The right to review and present available evidence in the case file, or otherwise in the possession or control of the institution, and relevant to the conduct case, consistent with institution policies and procedures.
 - ▶ The right to choose whether to disclose or discuss the outcome of a conduct hearing.
 - ▶ The right to have all information obtained during the course of the conduct or judicial process be protected from the public release until the appeals panel makes a final determination unless otherwise required by law.

Policy for Transcript Notations

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation."

For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Options for Confidentially Disclosing Sexual Violence

The State University of New York and Fredonia want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

In this Policy:

- ▶ Privileged and Confidential Resources.
- ▶ Non-Professional Counselors and Advocates.
- ▶ Privacy versus Confidentiality.
- ▶ Requesting Confidentiality: How the University Will Weigh the Request and Respond.
- ▶ Public Awareness/Advocacy Events.
- ▶ Anonymous Disclosure.
- ▶ Institutional Crime Reporting.

Privileged and Confidential Resources:

Individuals who are *confidential* resources will not report crimes to law enforcement or University officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At Fredonia, this includes:

- ▶ Fredonia's Counseling Center: LoGrasso Hall, [716-673-3424](tel:716-673-3424)
- ▶ Fredonia's Health Center: LoGrasso Hall, [716-673-3131](tel:716-673-3131)
- ▶ Prevention, Advocacy, and Wellness Services (PAWS) Coordinator: LoGrasso Hall, [716-673-3424](tel:716-673-3424)

Off-campus options to disclose sexual violence *confidentially* include (note that these outside options do not provide any information to the campus):

- ▶ Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.

▶ Stacey Tanner, Director of Human Services: The Salvation Army Rape Crisis Services P.O. Box 368, Jamestown, NY 14702, [716-664-6567](tel:716-664-6567) Office, [800-252-8748](tel:800-252-8748) Toll-Free Hot Line
(stacey.tanner@use.salvationarmy.org)

▶ The Anew Center: [1-800-252-8748](tel:1-800-252-8748)

▶ WCA Hospital: Center for Excellence, SAFE (Sexual Assault Forensic Examiner) Nurse, Emergency Department [716-487-0141](tel:716-487-0141), <http://www.sthcs.org/safe.html>

▶ Off-campus healthcare providers

▶ Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here:

<https://ovs.ny.gov/system/files/documents/2022/06/rights-crime-victims-booklet.pdf> or by calling [1-800-247-8035](tel:1-800-247-8035). Options are explained here:
<https://ovs.ny.gov/help-crime-victims>.

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to them self or others and the mandatory reporting of child abuse.

Non-Professional Counselors and Advocates:

Non-professional counselors and advocates can also assist you without sharing information that could identify you. At Fredonia, this includes the CEASE program of Counseling Center, LoGrasso Hall, [716-673-3424](tel:716-673-3424). The CEASE Coordinator will report the nature, date, time, and general location of an incident to Fredonia's Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

Privacy versus Confidentiality:

Even Fredonia offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Fredonia will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How Fredonia Will Weigh the Request and Respond:

If you disclose an incident to a Fredonia employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several University offices, the following office can serve as a primary point of contact to assist with these measures: The Office of Student Affairs, 7th Floor of Maytum Hall, [716-673-3271](tel:716-673-3271). We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the University's failure to act does not adequately mitigate the risk of harm to you or other members of the University community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, Fredonia will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- ▶ Whether the accused has a history of violent behavior or is a repeat offender;
- ▶ Whether the incident represents escalation, such as a situation that previously involved sustained stalking, the increased risk that the accused will commit additional acts of violence;
- ▶ Whether the accused used a weapon or force;
- ▶ Whether the reporting individual is a minor; and
- ▶ Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

If the University determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and the University will take immediate action as necessary to protect and assist them.

Public Awareness/Advocacy Events:

If you disclose a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, or other public event, the University is not obligated to begin an investigation. Fredonia may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure:

Incidents can be reported anonymously to University Police through the Silent Witness online form:

www.fredonia.edu/about/offices/university-police/silent-witness

New York State Hotline for Sexual Assault and Domestic Violence: [1-800-942-6906](tel:1-800-942-6906)

Institutional Crime Reporting

Reports of certain crimes occurring in certain geographic locations will be included in the University Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor. Fredonia's Title IX Coordinator can be reached at [716-673-3358](tel:716-673-3358).

Fredonia is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual or victim/survivor). A reporting individual will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Fredonia will not share information about a report of sexual violence with parents without the permission of the reporting individual.

Campus Climate Assessment Policy

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. Beginning in the [2015-2016](#) academic year, each State University of New York State-operated and community college will conduct a uniform climate survey that ascertains student experience with and knowledge of reporting and University adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

- ▶ Student and employee knowledge about:
 - ▶ The Title IX Coordinator's role;
 - ▶ Campus policies and procedures addressing sexual assault;
 - ▶ How and where to report sexual violence as a victim/survivor or witness;
 - ▶ The availability of resources on and off campus, such as counseling, health, academic assistance;
 - ▶ The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
 - ▶ Bystander attitudes and behavior;
 - ▶ Whether victims/survivors reported to the University and/or police, and reasons why they did or did not report.
 - ▶ The general awareness of the difference, if any, between the institution's policies and the penal law; and
 - ▶ The general awareness of the definition of affirmative consent.

Every institution shall take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no personally identifiable information shall be shared.

Beginning in the spring semester of 2015, the Chancellor or designee will convene a group of scholars and practitioners to review methods of assessing campus climate, specific questions asked in past surveys, relevant data on responses and response rates, issues and problems encountered in survey implementation, and lessons learned from past surveys. The Chancellor or designee will gather this data and seek to develop a standardized survey, with the advice of relevant members of the SUNY community and knowledgeable outside entities, that uses established measurement tools, to be implemented every two years by all SUNY State-operated and community colleges beginning in the [2015-2016](#) academic year. This policy may be changed by the Chancellor or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

Reporting aggregate data to NYSED

Institutions shall annually report to the department the following information about reports of domestic violence, dating violence, stalking, and sexual assault:

- ▶ The number of such incidents that were reported to the Title IX Coordinator.
- ▶ Of those incidents in paragraph (a) of this subdivision, the number of reporting individuals who sought the institution's judicial or conduct process.
- ▶ Of those reporting individuals in paragraph b of this subdivision, the number of cases processed through the Institution's judicial or conduct process.

- ▶ Of those cases in paragraph c of this subdivision, the number of respondents who were found responsible through the Institution's judicial or conduct process.
- ▶ Of those cases in paragraph c of this subdivision, the number of respondents who were found not responsible through the Institution's judicial or conduct process.
- ▶ A description of the final sanctions imposed by the institution for each incident for which a respondent was found responsible, as provided in paragraph d of this subdivision, through the Institution's judicial or conduct process.
- ▶ The number of cases in the institution's judicial or conduct process that were closed prior to a final determination after the respondent withdrew from the Institution and declined to complete the disciplinary process.
- ▶ The number of cases in the Institution's judicial or conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.

The department shall create a reporting mechanism for institutions to efficiently and uniformly provide the information outlined in subdivision one of this section.

Student Onboarding and Ongoing Education Guide

The State University of New York and its State-operated and community colleges believe that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, SUNY campuses will continue to educate all new and current students using a variety of best practices aimed at educating the entire college community in a way that decreases violence and maintaining a culture where sexual assault and acts of violence are not tolerated.

All new first-year and transfer students will, during the course of their onboarding to a SUNY State-operated or community college, receive training on the following topics, using a method and manner appropriate to the institutional culture of each campus:

- ▶ The institution prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution.
- ▶ Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- ▶ Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- ▶ The role of the Title IX Coordinator, University Police, and other relevant offices that address violence prevention and response.
- ▶ Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact.
- ▶ The Students' Bill of Rights and Sexual Violence Response Policy, including:
 - ▶ How to report sexual violence and other crimes confidentially, and/or to college officials, campus law enforcement and security, and local law enforcement.
 - ▶ How to obtain services and support.
 - ▶ Bystander Intervention and the importance of taking action, when one can safely do so, to prevent violence.
 - ▶ The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.
 - ▶ Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
 - ▶ Consequences and sanctions for individuals who commit these crimes.

The onboarding process is not limited to a single day of orientation, but recognizes that students enroll at different times at different SUNY campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. SUNY will conduct these trainings for all new students, whether first-year or transfer, undergraduate, graduate, or professional. Each campus shall use multiple methods to educate students about sexual violence prevention. Each SUNY institution will also share information on sexual violence prevention with parents of enrolling students.

Students at SUNY State-operated and community college campuses shall be offered general and specialized training in sexual violence prevention. Each institution will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, institutions will, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/recognized student organizations, online and distance education students. Institutions will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

Beginning in the 2015-2016 academic year, SUNY State-operated and community colleges will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

Methods of training and educating students may include, but are not limited to:

- ▶ President's welcome messaging;
- ▶ Peer theater and peer educational programs;

- ▶ Online training;
- ▶ Social media outreach;
- ▶ First-year seminars and transitional courses;
- ▶ Course syllabi;
- ▶ Faculty teach-ins;
- ▶ Institution-wide reading programs;
- ▶ Posters, bulletin boards, and other targeted print and email materials;
- ▶ Programming surrounding large recurring campus events;
- ▶ Partnering with neighboring SUNY and non-SUNY colleges to offer training and education;
- ▶ Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education. Partnerships can also be used to educate community organizations about the resources and remedies available on campus for students and employees seeking services; and
- ▶ Outreach and partnering with local business those attract students to advertise and educate about these policies.

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Sexual Harassment Policy

As an educational institution, the State University of New York at Fredonia is committed to maintaining a campus environment where all members of the academic community are able to work and pursue collegial study in an atmosphere of mutual respect, civility and trust. Any violation of this trust damages the institution's educational mission by undermining the freedoms of inquiry and expression. We must make it unmistakably clear to every member of the faculty and academic staff, to every employee and every student that sexual harassment and discrimination will not be tolerated here on this campus.

As a form of discrimination, sexual harassment is a violation of both federal and New York State laws, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and New York Human Rights Act of 1982.

Scope:

This policy applies to all students, administrators, faculty, staff and guests of Fredonia.

All members of the community are encouraged to report any incidents of sexual discrimination or harassment of which they become aware that compromises the well-being of an individual or the campus community.

Defining Sexual Harassment:

*Sexual Harassment in the **Employment** Setting is defined as:*

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any of the following occurs:

- ▶ Submission to such conduct is made a term or condition of an individual's continued employment, promotion or other condition of employment.
- ▶ Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.
- ▶ Such conduct is intended to interfere with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

*Sexual Harassment in the **Educational** setting is defined as:*

Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of gender, the student's ability to participate in or to receive benefits, services, or opportunities in the educational institution's program.

Reporting and Addressing Complaints:

Sexual discrimination, including sexual harassment should be promptly reported to the Title IX Coordinator at the Office of Diversity, Equity, and Inclusion, 2121 Fenton Hall,

[716-673-3358](tel:716-673-3358). Any such information provided shall, to the extent possible, be handled in a manner to maintain the privacy of the reporting party(ies). Fredonia students and employees can choose to participate in a SUNY-wide grievance procedure to initiate investigation and potential resolution of a complaint. Detailed information regarding the process, including the complaint form is available on the discrimination complaint procedure [website](#). Use of the internal grievance procedure does not deprive a complainant of the right to file with outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the United State Department of Education, and/or the Office of Federal Contract Compliance of the United States Department of Labor.

Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, or persistent, or severe that a reasonable person, of similar background would be adversely affected to a degree that interferes with their ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource. Should disciplinary action be implemented, or campus judiciary proceedings invoked, it shall be done consistent with the terms and conditions of the governing collective bargaining agreement or campus judicial policy.

An employee or student who participates in the discrimination complaint process, or reports an incident of discrimination due to harassment, has the right to do so without fear of retaliation. If retaliation were to occur, appropriate sanctions or disciplinary action consistent with the terms and conditions of the governing collective bargaining agreement or campus judicial policy shall be followed.

Support Services:

Office of Diversity, Equity, and Inclusion – [716-673-3358](tel:716-673-3358) (includes Title IX Coordinator)

University Police – [716-673-3333](tel:716-673-3333)

Office of Student Affairs – [716-673-3271](tel:716-673-3271)

Office of Student Conduct – [716-673-4726](tel:716-673-4726)

Counseling Center – [716-673-3424](tel:716-673-3424)

Human Resources – [716-673-3434](tel:716-673-3434)

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Alcohol and Drug Policy

The inappropriate use of alcohol and drugs can interfere with student development and seriously threaten the health and safety of the University community. Members of the University community will be held accountable for their behavior while under the influence of alcohol and/or drugs, regardless of one's age.

Conduct related to the use of alcohol where the individual becomes a disruption to the community is prohibited, regardless of one's age. Being intoxicated due to the level of consumption of alcohol or other drugs, where students have placed themselves or others in harm's way, or are experiencing significant difficulty functioning physically, is not permitted, regardless of one's age.

The Alcohol Policy states that no one under 21 years of age may consume or possess alcoholic beverages. Hosts are responsible for all of their guests, including those who are under 21 years of age. Students who are over 21 may not consume alcohol in the presence of anyone under 21 other than their roommate. Individuals who are under the age of 21 may not be present where alcohol is being served or consumed other than as set forth by the aforementioned regulation. In such cases, all underage students present will be charged with an alcohol or drug policy violation. Fredonia prohibits the possession of alcohol related paraphernalia, regardless of age, including, but not limited to, empty alcohol containers used for decoration, the presence of "high-risk drinking paraphernalia," which includes beer pong tables, beer bong or funnels, and all drinking games with or without alcohol, like water pong.

The Drug Policy states that all students should be aware that "Pursuant to the order of the Chancellor of SUNY, the illegal use of narcotics and/or dangerous drugs on campus is expressly forbidden." Fredonia prohibits the possession of illegal drugs, drug paraphernalia including, but not limited to, pipes, hookahs, bong, rollers, spoofs, water pipes, smokeless cigarettes/e-cigarettes, etc. Any student known or suspected to be in the possession of, using or distributing drugs or drug related paraphernalia, or in the presence of any of the above, is subject to disciplinary action and criminal action under campus regulations, as well as state and federal law.

These alcohol and drug related sanctioning guidelines focus on student development and early intervention for minor violations and first offenses, and on a more disciplinary approach for major violations and repeat or multiple offenses.

Drugs

The following are prohibited:

1. Using or possessing illegal drugs, controlled substances, or drug paraphernalia.
2. The sale or distribution of illegal drugs, controlled substances, or drug paraphernalia.
3. Being in the presence of any of the aforementioned.

Alcohol

The following are prohibited:

1. Using or possessing alcohol (persons under 21 years of age).

2. Distributing or selling alcohol to minors, on or off campus.
3. Misstating or misrepresenting age through the presentation of false documents.
4. Distributing or selling alcohol without a license.
5. Conduct related to the use of alcohol where the individual becomes a disruption to the community is prohibited, regardless of one's age.
6. Being in the presence of any of the aforementioned.

Students who are of legal purchase age or older may possess alcoholic beverages in quantities for personal use only in their private rooms, subject to all regulations that may be established by the Office of Residence Life.

Typical Alcohol/Drug Sanction(s)

Listed below are possible sanction(s) for those who violate the drug and alcohol policy. The sanctions listed may be used alone, or in combination, and additional sanctions not listed here may also be applied.

- ▶ **First Offense:** The first alcohol or drug related violation would typically result in a Disciplinary Warning and a requirement to complete either the online Alcohol or Drug Education Course. The student will be charged a fee to cover the cost of these programs.
- ▶ **Second Offense:** The second alcohol or drug related violation would typically result in Disciplinary Probation and a referral to the Fredonia CARES program, an in-depth alcohol and drug prevention counseling program. The student will be charged a fee to offset some of the cost of this counseling program.
- ▶ **Third Offense:** The third offense would typically result in some sort of Disciplinary Suspension. The duration of the suspension would depend on the student's educational and disciplinary record.

If any of the above mentioned offenses are very minor, the Residence Hall Director or Director of Student Conduct would have the option to issue a lesser sanction. If any of these offenses are major violations of campus policy, the sanctions may be more severe. Major violations would typically stem from police involvement, criminal charges, hospitalization of participants, or involve the illegal sale or distribution of drugs or provision of alcohol to students who are underage.

Alcohol Education Course

Students are required to complete this online program as a sanction for a first time violation of the University alcohol policy. This course is a science-based course and provides detailed information about alcohol and its effects on the body and mind. A fee will be charged to cover the cost of the program.

Drug Education Course

Students are required to complete this online program as a sanction for a first time violation of the University drug policy. The course is a science-based course that provides detailed information about marijuana and its effect on the body and mind. A fee will be charged to cover the cost of the program.

Fredonia C.A.R.E.S.

Fredonia CARES [Choice | Acceptance| Responsibility| Experience| Success] is a campus initiative designed to address alcohol and other drug concerns on our campus. The program responds to the individual needs of students who have been charged with a violation of the Fredonia Alcohol and Drug Policy. Additionally, students who believe they might benefit from examining their substance use may take part in an appropriate workshop. Students will have a private and confidential consultation, and participate in a researched based workshop focusing on self-assessment to help better understand the risks and impacts substance use plays in one's life. The program respects individuals' values and personal choices regarding substance use. It also supports the idea that with new information, time to process it, and support for change, many people will benefit from considering behavior changes and exploring new beliefs. A fee is charged to cover the cost of this program.

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If a student is found responsible for misconduct on or off campus, the following sanctions may be imposed singly or in combination. The sanction(s) imposed will commensurate with the offending conduct, and may take into account the student's educational record and any previous conduct record.

- ▶ Verbal Warning - A verbal reprimand which expresses University dissatisfaction with the student's conduct and which clarifies expected behavior in the future. Such a warning is noted in the student's conduct file.
- ▶ Disciplinary Warning - A written reprimand which expresses University dissatisfaction with the student's conduct and which clarifies expected behavior in the future.
- ▶ Disciplinary Probation - Written notification that any further violations within the probationary period shall result in more severe disciplinary action. The probationary period will be for a specific period of time and/or until the completion of any specified requirements or conditions that are part of the probation.
- ▶ Disciplinary Suspension in Abeyance - The student remains enrolled. However, any violation of conduct regulations during the period of suspension in abeyance will, after determination of guilt, result in a minimum sanction of automatic suspension.
- ▶ Disciplinary Suspension - A decision that removes the student from the University for a specific period of time, usually no more than two years. The suspension might be immediate or begin after the end of the semester. In either case, the student is eligible for consideration for readmission at the end of the specified period. Students that are suspended will not be eligible for a refund. This includes tuition and cost of on-campus housing. Typically, the sanction also includes the student being barred from the campus for the period of suspension.
- ▶ Disciplinary Expulsion/Dismissal - A decision that removes the student permanently from the University. Normally, the penalty shall also include the student being barred from the premises of the University.
- ▶ Other Sanctions - Other sanctions may include a variety of restrictions and educational related activities. These include, but are not limited to:
 - ▶ prohibition from engaging in any extra-curricular activity
 - ▶ prohibition running or holding an office in any student group or organization
 - ▶ prohibition from participation in sports related activities
 - ▶ restricting students from serving on any university committees
 - ▶ limiting student employment
 - ▶ removal from on-campus housing
 - ▶ restriction from specific buildings or Residence Halls
 - ▶ changing student room or Residence Hall assignment
 - ▶ restriction from campus
 - ▶ placing holds on records
 - ▶ service charges or restitution
 - ▶ required counseling
 - ▶ required substance abuse evaluation
 - ▶ required community service
 - ▶ required class attendance
 - ▶ required Internet research
 - ▶ writing a paper
 - ▶ required apology

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Zero Tolerance Policy

As part of a Zero Tolerance Policy, Fredonia will take disciplinary action for every alcohol and drug related violation on campus. Fredonia will also take disciplinary action for violations reported off campus, provided these violations have a connection to the campus. This would include violations that endanger students or may cause harm to the campus community.

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In October 1998, Congress passed the Higher Education Amendment which permits post-secondary institutions to disclose to parents or legal guardians of students under 21, without their consent, information regarding the student's violation of any federal, state, or local law, or any rule or policy of the institution governing the use or possession of alcohol or drugs.

At their discretion, the Office of Student Conduct may inform parents or legal guardians of alcohol or drug policy violations involving students under 21 when the student is found responsible.

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University Judicial System

The University Standards of Behavior and University Policies are intended to promote student development and ensure an atmosphere of learning necessary to the well-being of all University community members on and off-campus. Violation of University policy off-campus may be subject to disciplinary action by the University judicial process. The Office of Student Conduct implements the standards and procedures of the University Administrative/Judicial Board.

Any member of the University community may bring a complaint directly to the Office of Student Conduct (see complaints section). The complaint must be written, signed, and dated. A review by the Office of Student Conduct will be initiated and if appropriate, charges will be filed. Specific procedures will be followed if a case is referred to the University Administrative/Judicial Board.

If a student is charged with a violation of the rules and regulations, the following options exist: the student may choose an Administrative Hearing, a Judicial Board Hearing, or an Administrative Sanction Hearing in which a student chooses to plead responsible to the charges and waives their right to a hearing. In such a case, the Office of Student Conduct will impose a sanction.

If a student, club, or organization fails to respond to the charge letter by the appointment date and time listed in the letter, by either pleading responsible or not responsible, a determination of responsible or not responsible may be made without their participation as part of an Administration Sanction Hearing. In some cases, an Administrative Hearing may be scheduled to resolve the situation.

In cases where there are allegations of behavior that fall under the Title IX Grievance Policy or the University Policy on Sexual Violence Prevention and Response (129-B), the case will be heard by an **Administrative Hearing Board (a 3-person panel of University faculty/staff members)**.

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Administrative Sanction Hearing

In an Administrative Sanction Hearing, the Director of Student Conduct (or their designee) meets with the accused student to hear the case. This option is usually chosen if a student pleads responsible to the charges and accepts the appropriate sanction. This option requires that the student waive their right to a formal hearing and to the right to appeal the decision.

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Administrative Board Hearing

The Administrative Hearing Board consists of University faculty and staff members. Board members are appointed for a term of one year. From the pool of members, the Administrative Board that would hear a case is comprised of at least three members. The Administrative Board hears the case, weighs the evidence and testimony of the accused, complainant, and of witnesses, determines a finding of responsible or not responsible of the accused student and notifies the Vice President of Student Affairs of the finding. An appropriate sanction will be determined if the accused student is found responsible. The accused student will be determined responsible or not responsible by the preponderance of the evidence. Preponderance of the evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur and/or that the accusations are true. To proceed with a hearing, a minimum of three Administrative Board members must be present. If less than three Administrative Board members are present, the accused student must agree in writing in order to proceed with the hearing.

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Judicial Board Hearing

The University Judicial Board is comprised of University faculty, staff, and student members. Board members are appointed for a term of one year. From the pool of members, the Judicial Board that would hear a case is comprised of at least five members. The Judicial Board hears the case, weighs the evidence and testimony of the accused, complainant, and of witnesses, determines a finding of responsible or not responsible of the accused student and notifies the Vice President of Student Affairs of the finding. An appropriate sanction will be determined if the accused student is found responsible. The accused student will be determined responsible or not responsible by the preponderance of the evidence. Preponderance of the evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur and/or that the accusations are true. To proceed with a hearing, a minimum of five Judicial Board members must be present. If less than five Judicial Board members are present, the accused student must agree in writing in order to proceed with the hearing.

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Procedures for the University Administrative/Judicial Board:

Step 1: A charge for violation may be placed against any student by any other student or by a member of the University community by giving written notice of the charge signed by the complainant to the Office of Student Conduct.

Step 2: The Office of Student Conduct shall give notice of the specific charges against the student, in writing. The notice shall clearly indicate the offense with specific reference to the violated regulation and shall indicate the time and place of the initial meeting with the Director of Student Conduct. If the student/organization requests a hearing, a separate notice shall be presented to the accused at least five (5) days prior to the hearing. In extreme cases, the five-day notification period may be waived if deemed necessary. A student may waive their right to a formal hearing and plead responsible to the charge(s). In such cases, the Director of Student Conduct will consider the evidence and make a sanction decision (See Administrative Sanction Hearing). If the student does not waive their right to a hearing and does not appear for a scheduled hearing, their case will be considered by the board and a decision will be rendered in their absence.

Step 3: The Office of Student Conduct shall ensure that any student charged with violating University rules and regulations has, prior to appearing before the Board, the ability to review a statement defining the composition and authority of the Board.

Step 4: The Board shall examine all relevant facts and circumstances presented at the hearing and reach an equitable decision. A record of the hearing shall be kept to enable review and every reasonable attempt shall be made to keep the matter appropriately confidential. All hearings are audio recorded, however in the event of equipment failure, a board member will take notes to ensure accurate recording of the hearing. Fredonia will not be responsible for turning audio recordings into written transcript form. Grounds for appeal will also not be considered due to equipment failure.

Step 5: At the hearing, the student(s) shall have a full opportunity to explain the circumstances surrounding the incident and shall be able to present pertinent evidence and testimony of witnesses. In addition, the student shall have the opportunity to ask questions of any witnesses, respond to written statements submitted against them, and to respond to questions. The Board shall also have the right to call witnesses and to review materials. The student shall have the right to be assisted by an advisor/support person of their choice. The advisor/support person may not participate in the hearing.

Step 6: The student's judicial history will be withheld from the board members until a finding of responsibility has been made. If a student is found responsible for violating University policy, their judicial history, if any, will be shared with the Board members prior to sanction deliberation.

Step 7: The student will be notified in writing of the Board's final decision approximately 3-5 business days following the hearing.

The student shall have the right to appeal. An appeal will only be considered if there is significant new information or material relevant to the case that was not presented during the hearing, or for a claimed violation of the student's due process rights. An appeal must be filed in writing within 5 days of the hearing decision letter date. See "Appeals" section below for further information.

Policies of the Administrative/Judicial Board

- a. The Board shall not discuss or review matters under consideration outside of the hearing. Failure of a Board member to uphold this provision renders such member subject to impeachment procedures. Impeachment shall be by a two-thirds vote of that committee. Any violation of this section shall not affect the proceedings of the Board in a determination of the case.
- b. No member of the Board shall be either a witness before the board or a person previously engaged in formulating the charge or in presenting materials relating to the case.
- c. Hearing records shall be filed with the Office of Student Conduct and released only with the permission of the Board, the Director of Student Conduct, or the alleged violator. Records shall be kept for seven years.
- d. The Board may adopt bylaws not inconsistent with these rules and regulations upon the affirmative vote of no less than six members.
- e. The Board pool shall be composed of at least twelve members. Approximately six students and six faculty/staff members are appointed for a term of one year.

f. In order to be eligible, a student must have attained sophomore status. All members of the Judicial Board must have been a member of the University community for at least one semester before taking office. No student may serve if they are on disciplinary probation at the time of the appointment. No member of the Judicial Board may be an executive (including class presidents) of the Student Association or a voting member of the University Senate.

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Appeals

Right to Appeal

In Title IX cases and Sexual Violence (129-B) cases, both the respondent and the complainant have the right to appeal the decision following an Administrative Hearing. In any other type of case, *only the respondent has the right to appeal*. Appeals must be submitted in writing within 5 business days following the hearing outcome/decision letter. Appeals will not be considered/reviewed unless they fall under the criteria and guidelines listed below.

Basis for Appeal

There are limited grounds for appeal. In Title IX and Sexual Violence (129-B) cases, the grounds for appeal are as follows:

1. **Procedural Irregularity:** A failure to follow the institution's procedures that affected the outcome of the matter.
2. **New Evidence:** Evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal, which could affect the outcome of the matter.
3. **Conflict of Interest or Bias:** The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias that affected the outcome of the matter.

In other conduct cases, the grounds for appeal are:

1. **New Information:** Significant new information or material relevant to the case that was not presented during the hearing, which could affect the outcome of the case.
2. **Due Process Violation:** A violation of the student's due process rights.

Appeal Process

In Title IX and Sexual Violence (129-B) cases, if a party appeals, the institution will notify the other party in writing of the appeal as soon as practicable. The time for appeal is equitably offered to all parties and will not be extended solely because one party files an appeal. The institution will share the grounds of the appeal with the non-appealing party but will not share the appeal itself.

Submission of an appeal stays any sanctions during the pendency of the appeal. Supportive measures and remote learning opportunities remain available during this time.

Appeals may be no longer than 4 pages (including attachments). They should be submitted electronically, using Arial or Times New Roman, 12-point font, single-spaced, and with footnotes instead of endnotes. Appeals that do not meet these standards may be returned for correction, but the time for appeal will not be extended unless a technical malfunction caused the document not to meet the standards.

Appeal Review Board

The Appeal Review Board, also called the Appeal Panel, consists of at least three University faculty, staff, and/or student members (only faculty/staff members in Title IX/129-B appeals), selected from a pool trained in the University's Student Conduct process and procedures. The Board will not include individuals with a conflict of interest or anyone involved in any other stage of the case.

The Board will rely on the hearing recording and/or the written record of the hearing, as well as the original hearing materials. An appeal review is not a re-hearing, and the Board will not typically meet with the individuals involved in the original hearing.

The Board will determine whether the grounds for appeal have been satisfied and will either grant or deny the appeal by a majority vote. If the appeal is granted, the Board may recommend upholding a sanction, changing a sanction, or recommend a new hearing.

- ▶ **Change of Sanction:** Considered only in cases of clear abuse of discretion by the hearing authority.
- ▶ **Procedural Error:** A new hearing is recommended only if the error is substantial enough to have changed the outcome.
- ▶ **New Evidence:** A new hearing is recommended only if the new evidence was not available at the time of the original hearing and is substantial enough to change the outcome.

The Appeal Review Board will render its final decision within 30 days of the appeal submission and will notify both parties of the outcome simultaneously in writing for Title IX and Sexual Violence (129-B) cases. For all other appeals, the respondent will be notified in writing. The decision by the Appeal Review Board is final, and no further appeal is available beyond this initial appeal.

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I. Opening Statement

The State University of New York at Fredonia holds that the life of the mind and personal integrity go hand in hand, and are inseparable. Adherence to this philosophy is essential if we are to facilitate and promote the free and open exchange of ideas upon which our University mission relies. An essential component of the academic experience at Fredonia is the conviction that academic goals must be achieved by honorable means. It is expected, therefore, that all students attending the State University of New York at Fredonia will support and abide by all provisions of the following Academic Integrity Policy. It is further understood that by enrolling in courses, students are agreeing to the rules and regulations set forth below.

In order to protect the value of the work accomplished by each student and instructor, our academic community depends upon certain honorable standards of behavior from all its members. Fredonia trusts all students will refrain from participating in any behavior that will inhibit the pursuit of honest academic advancement. To help students avoid activities that can be construed as dishonest or as violations of academic integrity, a partial list of prohibited behaviors and activities is outlined below. This policy is not intended to limit decisions of faculty of professional programs that operate under more restrictive policies and/or have externally monitored procedures for addressing violations of academic integrity.

II. Violations of Academic Integrity Policy

Violations of academic integrity are described within four broad, overlapping categories: Fraud, Plagiarism, Cheating, and Collusion. Some examples of violations of academic integrity are described in the four categories listed below. If a student has any questions about what may or may not be an academic integrity violation, the student should discuss this with their professor.

A. Fraud

Behaving deceptively, misrepresenting one's self or another person, and falsifying official print and/or electronic documents are actions that seriously undermine the integrity of any social institution and may result in criminal prosecution.

In a University setting, fraudulent behavior includes, but is not limited to:

1. Forging or altering official school documents, whether in print or electronic form, such as grade reports or transcripts, enrollment documents, transfer credit approvals, etc.
2. Forging or tampering with any University correspondence or medical excuses.
3. Tampering with attendance records, such as one student signing for another student.
4. Tampering with or interfering with grading procedures.
5. Misreporting or misrepresenting earned credentials, including academic status, class standing, and GPA.
6. Taking an exam in place of another student.
7. Failing to disclose necessary information on official University forms.
8. Falsely claiming that an electronic system or computer equipment is at fault for the student's inability to complete academic course work (e.g., inability to complete assignments due to problems with software or the printers/computers in a certain lab) or to complete administrative functions (e.g., inability to make schedule changes via "Your Connection.")

B. Plagiarism

Plagiarism consists of presenting the work of others as one's own. It is unethical to copy directly the words or work of other authors or artists without giving them credit. It is also unethical to rearrange or add a few words to another author's text while leaving the majority unaltered or to take an author's unique idea or discovery and to represent it as one's own.

Specific examples of plagiarism include, but are not restricted to, the following examples:

1. Copying the work of another author and/or artist without giving proper credit in the text or reference to the artwork, presentation or performance; neglecting to cite the original in a footnote; and/or failing to identify full and proper documentation in the list of works cited or sampled for presentation or performance.
2. Implying that another author's words, works, or ideas are one's own. Quoting without the use of quotation marks falsely implies originality and is, therefore, an act of plagiarism.
3. Incorporating material into a paper or assignment without acknowledgement, verbatim corrections, or other suggestions that were made by someone other than oneself, the instructor, or an assigned editor.
4. Taking information from one source (such as the Internet) and citing it as coming from another source (such as a required text or article).

C. Cheating

In all academic situations, any behavior that subverts the purpose of an academic assignment constitutes cheating, whether one actively commits the act of dishonesty on one's own behalf or enables someone else to do so. All materials prepared and/or assigned for a course by an instructor are for the students' educational benefit. Unless expressly permitted by the course syllabus, students may not photograph, record, reproduce, transmit, distribute, upload, sell, or exchange course materials without the prior written permission of the instructor. "Course materials" includes all instructor prepared and assigned materials, such as lectures, lecture notes, discussion prompts, study aids, tests and assignments, and presentation materials such as PowerPoint slides, Prezi slides, or transparencies and course packets or handouts. (Exceptions to accommodate students with disabilities may be granted with appropriate documentation.) Students are prohibited from selling to others any materials produced or shared by the instructor as well as any assignments prepared by the student in connection with a course. Students are also prohibited from uploading to external commercial websites any materials produced or shared by the instructor or any

assignments prepared by the student in connection with a course, unless the instructor has given permission for the student to do so. These course-related materials include, but are not limited to, the course syllabus, lecture notes, PowerPoint slides, assignments, quizzes or exams.

Specific examples of cheating include, but are not limited to, the following:

1. Copying someone else's work or permitting one's own work to be copied. All work should be original to the student. Whether involvement in the copying process is active or passive, these acts constitute violations of academic integrity if a student is at all complicit.
2. Using unsanctioned materials, notes, software, and or equipment (such as a programmable calculator).
3. Intentionally providing or seeking questions to an exam that will be given in a later section or used as a make-up exam.
4. Communicating or sharing information during an exam obviously constitutes cheating, as does taking an exam for someone else.
5. Reusing work from another course without explicit instructor permission. 6. Reusing work in a repeated course without explicit instructor permission.

D. Collusion

Most colleges and universities support opportunities for collaborative learning. However, unauthorized collaboration is considered collusion. Unless collaboration is expressly permitted by the instructor, students should work independently. Even when an instructor authorizes collaboration, collusion may still occur. In all cases, work submitted should reflect an individual's own effort.

Specific examples of collusion include, but are not limited to, the following situations:

1. Two or more students study a problem and one student formally writes and/or types the results, the other members of the group copy the results, and each individual submits the work as their own.
2. A pair or larger group of students work on a series of problems or tasks, each student completes a portion of the problem set or task, the students combine their work, and each student submits the entire problem set or task as their own.
3. A course instructor assigns a task or problem to be completed outside of class and explicitly instructs students not to discuss the task or problem with one another. A pair or larger group of students discuss or work together on the task or problem, and each individual submits the results as their own.

III. Violations of Academic Integrity Procedures

A. Classroom Level

1. An instructor who suspects a violation of the Academic Integrity Policy will collect all information and materials related to the offense. The instructor will contact the student to present their charge(s) and the student will be given an opportunity to answer and explain. If the instructor and the student then agree that no violation has occurred, the matter is resolved and the process ends at this point.
2. If, however, the instructor finds that a violation has occurred, whether the student admits or does not admit guilt, the matter must be reported to their Department Chairperson using the [Academic Integrity Incident Report Form](#).

B. Departmental Level

1. For all cases in which the instructor finds that the student has plagiarized, cheated, colluded, or committed any act of academic dishonesty (i.e., see II. above), the instructor will submit an [Academic Integrity Incident Report Form](#) to the Department Chairperson. The instructor will maintain copies of all information and materials related to the offense and will disseminate the copies per request of the Department Chairperson or the Academic Integrity Review Board.
2. After appropriate consultation and review of the materials, the Chairperson and the instructor will jointly decide if the case is to be dismissed. If the case is not dismissed due to insufficient evidence of academic dishonesty, the Chairperson and the instructor may attempt to resolve the case at the Department level or send the case on to the Academic Integrity Review Board. If charges are going to be brought against the student, even at the department level, the Department Chair will contact the Office of Student Conduct to determine if the student has a previous record of academic misconduct on file. If the student has a prior violation of the Academic Integrity Policy on file, the case must be sent on to the Academic Integrity Review Board for adjudication. The Academic Integrity Review Board will consider repeated violations of any or all of the provisions in the Academic Integrity Policy as grievous.
3. If the student has no prior record of academic dishonesty, the Chairperson and the instructor must decide if the case is a serious enough violation to result in suspension or expulsion. If so, the case must be sent on to the Academic Integrity Review Board for adjudication. If the charges are less serious, the Department may propose departmental sanctions including but not limited to one or more of the following sanctions: a formal warning; grade reduction on the assignment; the requirement that the student redo the assignment in order to receive credit; a grade of zero being assigned to the particular assignment; and/or a failing grade being given for the course.
4. At this stage of the process, the Department Chair sends the [Academic Integrity Incident Report Form](#) to the appropriate Dean to inform the Dean of the alleged academic dishonesty. In the case of a student enrolled in a teacher education program, this report should also be sent to the Dean of the College of Education. [The Academic Integrity Incident Report Form](#) will serve as a routing slip and require appropriate signatures.

C. Notification of Departmental Sanction or Referral for Hearing by the Dean

1. The Dean will also include a description of the charges to the student. If the student drops or withdraws from the course, judicial proceedings will still continue.
2. If departmental sanctions are being proposed, the student must accept the proposed sanctions within 5 working days by signing the [Academic Integrity Incident Report Form](#) (if applicable), or appeal (See Section III.D below) of the departmental decision. If the student does not appeal, the departmental sanctions will be imposed and the Dean will send the final version of the [Academic Integrity Incident Report Form](#) to the academic department that originated the [Academic Integrity Incident Report Form](#), the Office of Student Conduct, the Associate Provost for Curriculum, Assessment, and Academic Support, the Chair of the Academic Integrity Review Board, and the student's academic advisor.
3. Because a student may plagiarize and/or violate the provisions of the Academic Integrity Policy in more than one department, the Office of Student Conduct will maintain the final copy of the [Academic Integrity Incident Report Form](#) in the student's file.

D. Appeal Process

1. Within 5 working days of official notification, the student may decide to appeal the departmental proposed sanctions. If so, they must officially respond and notify (via the student's official University email account) the Dean that sent the sanction letter. The Dean should then forward the notice of the student's intent to appeal to the Provost, the appropriate Department Chair, the Director of Student Conduct, and the Chair of the Academic Integrity Review Board, who will call together the members of the Board for a formal hearing. The Director of Student Conduct will at this time schedule a meeting with the student for clarification of the appeal and hearing process. Throughout the appeal process, the charged student is assumed not responsible and in most circumstances, they have the right to remain in class.
2. After the same 5 working days, if the student has not accepted the sanctions or appealed, the University will act upon the assumption that the student has accepted the departmental decisions and any sanctions therein.
3. If the department has recommended sanctions outside the departmental purview (e.g., suspension or expulsion), or if it is second alleged offense at the university, the Chair of the Academic Integrity Review Board and Director of Student Conduct will be notified by the Dean and a hearing will be scheduled in a timely manner. All original materials for the hearing will be transmitted to the Director of Student Conduct and a copy sent to the Chair of the Academic Integrity Review Board.
4. With all decisions in the appeal process, enforcement of sanctions and notification of outcomes to all parties involved will be the responsibility of the office of the appropriate Dean and the Provost.

E. Academic Integrity Review Board

1. The Academic Integrity Review Board will be convened to hear and rule on a case under any of the following circumstances: (1) the student who has been charged has chosen to appeal the department decision, (2) for a suspension or expulsion level case, or (3) whenever a second or subsequent academic misconduct violation is submitted. Before the hearing, the student will attend a meeting with the Director of Student Conduct (as noted in part III.D.1. above) who will fully inform the student about the process and possible outcomes. The student may decide at this point to drop or continue with the appeal process, if that was the reason for the hearing. If the student drops their appeal related to department sanctions, but it is a second alleged violation, the hearing will still occur.
2. A charged student has the right to select a willing student, faculty member, or an administrative staff member of the University to advise them throughout the review process. To avoid conflicts of interest, this advisor may not be selected from the members of the Academic Integrity Review Board. If the student wishes to have an attorney present at the hearing as an advisor, the Chair of the Academic Integrity Review Board will need to be notified at least 72 hours in advance of the hearing. The attorney may advise the student during the hearing, but will not be permitted to respond for the student.
3. The Chair of the Academic Integrity Review Board will establish an ad-hoc committee of individuals to hear each individual case which comes to the Academic Integrity Review Board. Members will undergo training before serving on a convened hearing Board. For each hearing, members must include at least one individual from each of the following categories:
 - a. The Chair of the Academic Integrity Review Board is a full-time tenured faculty member, appointed by the Provost and subsequently approved by the University Senate. The Chair's term will be two years with the option of renewal, pending reappointment and approval. The Chair of the Board will have the responsibility of determining whether a hearing should be held, convening a Board for each hearing, presiding over hearings, and preparing written hearing reports.
 - b. The Director of Student Conduct, or another representative of the Office of Student Affairs, will provide the Board access to pertinent student disciplinary records and will participate as an ex-officio, non-voting member of the Academic Integrity Review Board. Before witnesses speak or before questions are asked, the Director of Student Conduct or other representative from the Office of Student Affairs will present a brief summary of the case, based on the evidence submitted and the interview with the student.
 - c. At least one, but preferably two, undergraduate (or graduate, if pertinent) student representatives. These two students should have majors in different academic units. Students may be selected from the pool of students serving as University Judicial Board members.
 - d. A Chairperson from an academic department other than the department in which the charge originated.
 - e. At least one faculty member, but preferably two, from departments other than the department initiating the charges and the Department Chair in III.D.3.d. above. Such members may be selected from the pool of faculty serving as members of the University Judicial Board.
 - f. Other parties and witnesses may be invited by the Chair of the Academic Integrity Review Board or by the student. These witnesses may be called before the Academic Integrity Review Board to provide testimony. Normally, the

faculty member bringing the charges is also invited to the hearing to answer any questions that arise.

4. After the presentation of the summary of the case by the Director of Student Conduct, the student will answer to the charges by pleading responsible or not responsible, and providing any additional information that they wish. The Chair of the Academic Integrity Review Board (after prior consultation with the assembled Board) may call witnesses. The student who has been charged may also call witnesses. The student will be given the opportunity to add any additional information relevant to the case before the close of the hearing. All participants in the hearing will be informed that deliberations are to remain strictly confidential. Hearings of the Academic Integrity Review Board will be recorded to provide a record of the proceedings and these recordings will be stored in the Office of Student Conduct.
5. After the hearing, the Academic Integrity Review Board will deliberate in private and make a formal decision. In the final determination, each of the members of the acting Board, including the Chair of the Academic Integrity Review Board, and excluding the Director of Student Conduct, will cast a single and equally weighted vote. In the event of a tie vote concluding a case, the Chair of the Academic Integrity Review Board will cast an additional vote. Voting will be conducted by written ballot, and will be tallied by the Chair of the Academic Integrity Review Board. The results will be disclosed to acting Board members, who are not to disclose either the Board's determination or any specifics related to the voting.
6. Within 5 days of the final determination of the case, the Chair of the Academic Integrity Review Board will complete a written hearing report and will send electronic copies to the Provost and the Dean that referred the case. The final report of the Academic Integrity Review Board will include the following:
 - a. A determination of "Not Responsible" (no violation of the Academic Integrity Policy has been found) or "Responsible" (the student has been found responsible for the charged violation on the basis of the evidence submitted or has admitted guilt).
 - b. If the student has been found "Responsible" for violating the Academic Integrity Policy, the penalty must be specified. Sanctions or penalties imposed should be commensurate with the offense and will take into account any previous violations of the Academic Integrity Policy as evident in the student disciplinary records on file.
7. Within 5 days, the Provost will send an official notification letter informing the student of the hearing outcome, sanctions imposed, if any, and an explanation of the appeal process. A copy of this letter will also be sent to the Director of Student Conduct. If the student has been suspended or expelled, a copy of the official letter will also go to the President's Office. On the same day that the Academic Integrity Review Board's decision is communicated to the student by the Provost, the instructor, Chairperson in whose department the charge originated, Chairperson of the student's major department, the student's academic advisor, and the Vice President for Student Affairs will be informed of the Board's decision electronically (i.e. via Fredonia e-mail). If the student is a teacher education student, the Dean of the College of Education will also be notified.
8. Should the student decide to appeal the Academic Integrity Review Board's decision, they may do so in a written justification to the President of the university, but only if/when the substance of the presented case has changed (i.e., additional and significant new evidence is discovered) or if there has been some sort of procedural error that would affect the outcome of the hearing. The written appeal must be received within 5 working days following the student notification of the hearing outcome.

IV. Maintenance of Academic Integrity Records

Records of all academic integrity violation cases will be kept in the Office of Student Conduct for 10 years.

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Statement Regarding Fredonia's Celebration of Diversity

The University welcomes the experience, talent, and surge of energy that comes from a culturally diverse campus. It has pledged to ensure that everyone is treated fairly, without degradation of any person's race, religion, ethnicity, gender, affection orientation, physical/mental challenge, or any other characteristic not germane to a person's rights or human worth. The University specifically discourages fighting, threats, physical abuse, harassment, assault, or any other action which threatens to or does endanger the health, safety, or welfare of a fellow student and/or member of the University community.

The University also discourages engaging in any action or situation that which recklessly or intentionally endangers the mental or physical health of a member of the University community; creating a situation through severe and pervasive acts that results in the discomfort of, or harassment or excessive ridicule of a member of the University community. The University will also act to prohibit such conduct to the extent that it violates the Student Code of Conduct.

All members of the campus community are expected to live, learn, and work with a foundation of understanding and appreciation of differences. Faculty and staff, as mentors and educators, are expected to support this policy through personal interactions with students, classroom discussion, and careful selection of curricular materials and content.

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Fredonia Non-Discrimination Statement

Pursuant to University policy, the University is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal

conviction. Employees, students, applicants or other members of the University community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic.

The University's policy is in accordance with federal and state laws and regulations prohibiting unlawful discrimination and harassment. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to **Dr. Vicki Sapp, Chief Diversity Officer** at vicki.sapp@fredonia.edu. Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, 32 Old Slip 26th Floor, New York, NY [10005-2500](tel:10005-2500); Tel. [\(646\) 428-3800](tel:646-428-3800); Email OCR. NewYork@ed.gov.

Policy Statement on Religious Absences

The Education Law of New York says, in part:

1. No person shall be dismissed/expelled from or be refused admission as a student to an institution of higher education for the reason that they are unable, because of their religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day or days.
2. Any student in an institution of higher education who is unable, because of their religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.
3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school, because of their religious beliefs, an equivalent opportunity to make up any examination, study, or work requirements which they may have missed because of such absence on any day or days. No fees of any kind shall be charged by the institution for making available to the said student such equivalent opportunity.
4. If registration, classes, examinations, study or work requirements are held on Friday after four o'clock post meridian or on Saturday, similar or makeup classes, examinations, study, or work requirements shall be made available on other days, where it is possible and practicable to do so. No special fees shall be charged to the student for these classes, registration, examinations, study, or work requirements held on other days.
5. In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials of each institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of them availing them self of the provisions of this section.
6. Any student, who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith with the provisions of this section, shall be entitled to maintain an action or proceeding in the Supreme Court of the county in which such institution of higher education is located for the enforcement of their rights under this section. It shall be the responsibility of the administrative officials of each institution of higher education to give written notice to students of their rights under this section, informing them that each student who is absent from school, because of his or her religious beliefs, must be given an equivalent opportunity to register for classes or make up any examination, study or work requirements for which they may have missed because of such absence on any particular day or days. No fees of any kind shall be charged by the institution for making available to such student such equivalent opportunity.
7. As used in this section the term "institution of higher education" shall mean any institution of higher education, recognized and approved by the Regents of the University of the State of New York, which provides a course of study leading to the granting of a post-secondary degree or diploma. Such term shall not include any institution which is operated, supervised or controlled by a church or by a religious or denominational organization whose educational programs are principally designed for the purpose of training ministers or other religious functionaries or for the purpose of propagating religious doctrines. As used in this section, the term "religious belief" shall mean beliefs associated with any corporation organized and operated exclusively for religious purposes, which is not disqualified for tax exemption under Section 501 of the United States Code.

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Computer and Network Usage Policy

www.fredonia.edu/its/policies

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The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, sets forth requirements designed to protect the privacy of parents and students. The statute governs the access to records maintained by educational institutions, and the release of such records.

The Family Educational Rights and Privacy Act permits current or former students to inspect and review their education records. Students are also accorded a right to a hearing in order to question the contents of their education records. Written consent from students may be required before personally identifiable information about them will be released from their education records, as provided by law.

Specifically, institutions are permitted to release directory information on students unless the students have notified the institution to withhold this information. Directory information is "public" information, which may be released without the student's consent to persons making inquiry. Personally identifiable information designated as directory information includes: the student's name; local address and local telephone and cellular number(s); university assigned e-mail address; student's home address and home telephone number; parent's name, address and telephone number; class schedule; date and place of birth; major field of study; class standing; participation in officially recognized sports and activities; weight and height (athletes); electronic images (photographs); dates of attendance at the University; degrees and awards received; and the most recent previous educational institution attended.

Inquiries or complaints may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5901. Copies of the Fredonia compliance policy and the Family Educational Rights and Privacy Act are available at the Office of Student Affairs.

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Bias Crimes Prevention

The State University of New York at Fredonia Police shall protect all members of the Fredonia community by preventing and prosecuting bias or hate crimes that occur within the campus's jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their age, race, religion, ethnicity, gender, sexual orientation, or disability.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including expulsion/dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, University Police also assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the University as objectively perceptible acts of bigotry, harassment, or intimidation directed at a member or group within the Fredonia community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the State University's Discrimination Complaint Procedure or the campus conduct code. Bias incidents can be reported to University Police, the Office of Student Affairs, or the Office of Diversity, Equity, and Inclusion.

Students are encouraged to contact the Chief Diversity Officer to request consultation and counseling regarding a crime or incident, to report a crime or incident, to file a Charge of Discrimination form, or to share concerns about issues regarding the University. Other offices students may wish to contact are: the Office of Student Affairs; the Intercultural Center; University Police; the Counseling Center; the Office of Residence Life; and the Office of Student Conduct.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by calling [716-673-3333](tel:716-673-3333) in an emergency, using a Blue Light or other campus emergency telephones, or stopping by the University Police Office located on the 2nd floor in Gregory Hall. University Police will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents are urged to contact the following offices for assistance:

University Police [716-673-3333](tel:716-673-3333)

Office of Student Affairs [716-673-3271](tel:716-673-3271)

Office of Student Conduct [716-673-4726](tel:716-673-4726)

Office of Diversity, Equity, and Inclusion/Affirmative Action/Title IX [716-673-3358](tel:716-673-3358)

Counseling Center [716-673-3424](tel:716-673-3424)

Intercultural Center [716-673-3398](tel:716-673-3398)

For general information on Fredonia security procedures, see the University Police Website at: www.fredonia.edu/about/offices/university-police or call [716-673-3333](tel:716-673-3333). More information about bias-related and bias crimes, including up-to-date statistics on bias crimes is available from the Chief of University Police at [716-673-3333](tel:716-673-3333) or the University Police Website at www.fredonia.edu/about/offices/university-police.

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A copy of the State University of New York at Fredonia campus crime statistics as reported annually to the U. S. Department of Education will be provided upon request by the Personal Safety & Campus Security Committee. Please direct all such requests to the Office of University Police at [716-673-3333](tel:716-673-3333). Information can also be obtained from the U. S. Department of Education website at: <http://ope.ed.gov/security/> and the State University of New York at Fredonia University Police website at: www.fredonia.edu/about/offices/university-police/campus-safety

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Personal Safety Committee

Pursuit to the NYS Educational Law Article 129-A, section 6431 the Personal Safety Committee reviews current campus security policies and procedures and makes recommendations for their improvement. The committee specifically reviews current policies and procedures for:

- a. educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault.
- b. educating the campus community about personal safety and crime prevention
- c. reporting sexual assaults and dealing with victims during investigations
- d. referring complaints to appropriate authorities
- e. counseling victims
- f. responding to inquiries from persons concerned about campus safety

The committee consists of a minimum of six members, at least half of whom shall be female. The committee consists of two students appointed by Student Association, two faculty members, appointed by the Faculty Senate, and two individuals appointed by the President.

The committee reports, in writing, to the college President or chief administrative officer on its findings and recommendations at least once each academic year, and such reports shall be available upon request.

For more information regarding the Personal Safety & Campus Security Committee please contact the Chief of University Police at [716-673-3333](tel:716-673-3333) or the Office of Student Affairs at [716-673-3271](tel:716-673-3271).

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Permanent Transcript Notation

(Hazing, Sexual Violence, and Other Serious Violations)

Students that are found responsible and suspended or expelled/dismissed for serious violations of the Students Rights and Responsibilities may receive a permanent notation on their academic transcript. This includes, but is not restricted to, sexual assault, hazing, and conduct leading to the death or serious physical injury of another person.

Students found responsible for such violations will not receive credit for the semester in which they are suspended or expelled/dismissed and will be liable for all tuition and fees for that semester.

For a respondent who withdraws from the institution while such conduct charges are pending, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Individuals seeking to have a transcript notation removed may submit a written appeal, no sooner than one year after the conclusion of their suspension, to the Director of Student Conduct. The decision will be made in consultation with the Vice President of Student Affairs (or their designee). The appeal must include a rationale for removing the notation, evidence of rehabilitation during the period of suspension, and confirmation that any other sanctions have been successfully completed.

Transcript notations resulting from an expulsion/dismissal from the University are permanent and cannot be appealed. If a finding of responsibility is vacated for any reason, the transcript notation will be removed.

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Investigation of Violent Felony Offenses/Missing Students

Chapter 22 of the Laws of 1999 of the State of New York establishes certain requirements for investigation of violent felonies and reporting of missing students on college campuses in New York State.

- a. "Missing Student" means any student of the College subject to the provisions of Section 355(17) of the New York State Education Law, who resides in a facility owned or operated by the College and who is reported to the College as missing from his or her residence.
- b. "Violent Felony Offense" means a violent felony offense as defined in Section 70.02(1) of the Penal Law of the State of New York.

Response and Investigation:

a. *Missing Student*

When a report of a missing student is received by the College or the municipal police department, the receiving department will conduct a preliminary investigation in order to verify the complaint and to determine the circumstances which exist relating to the reported missing student. If the student's absence is verified, the incident will be reported and shared between departments. Both departments will continue the investigation to locate the missing student. If, after further investigation, the missing student is not located, both departments will determine the most efficient manner of continuing the investigation. In any event, information relating to any report of a missing student shall be shared by both parties no later than twelve (12) hours from the time of the initial report. If the missing student is located or returns to the College at any time after the matter has been reported, each party shall notify the other immediately.

b. *Violent Felony Offenses*

When any report of an on-campus violent felony offense is received by the College or when a report of a violent offense involving a college student is received by the municipal police department, the recipient shall notify the other police department as soon as possible. The police departments will carry out appropriate investigative procedures and will determine the most efficient manner of continuing the investigation and shall provide mutual assistance when requested.

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Office of Student Conduct

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