

Office of Student Affairs



Student Handbook

Includes:

Campus Regulations & Judicial Procedures

Information Regarding Bias and Hate Crimes Prevention

Institutional Response to the Use of Illicit Drugs & Alcohol

Information Regarding Sexual Assault & Harrassment

Parental Notification Policy for Violations of Rules Concerning
Alcohol, Controlled Substances & Illicit Drugs

June 1, 2009

Telephone Numbers

The 24 hour beeper number for the **HAVEN** hotline, for confidential peer support in dealing with unwanted or uncomfortable sexual experiences has permanently changed to the following 24 hour Beeper number: **845-455-6093**

HAVEN services may also be accessed by walking in at Deyo Hall G13c (basement) 8:00 p.m. to 1:00 a.m., 7 days a week while classes are in session.

	LOCATION	TELEPHONE
Information		.257-2121
Academic Advising	SUB 203	.3015
Admissions, Undergraduate	Hopfer House	.3200
Athletics	EG 200A	.3910
Bookstore	SUB Basement	.3050
Business, Dean	SBB	.2930
Career Resource Center	HAB 705	.3265
Child Care	Children's Center	.2910
Counseling Center	HLC	.2920
Dean of Students	HAB 702	.3261
Disability Resource Center	SUB 205	.3020
Education, Dean	OM 104	.2800
Educational Opportunity Program/EOP	HAB 401	.3220
Science & Engineering, Dean	REH 114	.3728
Financial Aid	HAB 603	.3250
Fine & Performing Arts, Dean	CT 118	.3860
Graduate School, Dean	HAB 804	.3285
Health Center	HLC 1	.3400
International Education	CIP	.3125
International Student Advisor	CIP	.3125
Liberal Arts & Sciences, Dean	JFT 614	.3520
Library	STL	.3700
Oasis – Crisis Intervention Center	Deyo G13C	.4945
Recorder	HAB 15	.3110
Records & Registration Office	HAB 19	.3100
Regional Education	GrimmHouse	.2900
Residence Life	Capen Hall	.4444
Scheduling	HAB 17	.3112
Student Accounts	HAB 210	.3150
Student Activities and Union Services	SUB 209	.3025
Student Affairs	HAB 701	.3260
Student Association	SUB 428	.3070
Student Development	SUB 301	.3088
Student Teaching	OM 107	.2822
Student Union	Info. Booth	.3000
Telecommunications	HAB 40	.3003
University Police	SB	.2222



Dear Student:

The enclosed information is provided to you in order to address important issues, policies, procedures and resources at the State University of New York at New Paltz.

Please read this important information and keep it for your reference. If you are enrolled in future semesters, you will receive a brief reminder of these policies and can access future updates on the Web or from the Office of the Vice President for Student Affairs.

The Office of Student Affairs

Student Handbook

Published June 2009

State University of New York at New Paltz

Division of Student Affairs Mission Statement

The Student Affairs Division at SUNY New Paltz provides a variety of services and programs that support and advance access and opportunity for the educational, research, and public service mission of the College. The Student Affairs Division is committed to the holistic development of our students – intellectual, personal, and social – and to providing a safe community that celebrates human differences and promotes civic responsibility and a sense of local and global citizenship. In carrying out its mission to promote and enhance learning both inside and outside the classroom, the Division of Student Affairs works closely and collaboratively with faculty and academic administration to foster an integrated learning experience.



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Campus Regulations & Judicial Procedures



Office of Student Affairs

Forward

This publication shall be called the SUNY New Paltz Campus Regulations and Judicial Procedure Document. It is developed to foster the pursuit of knowledge as well as to provide a judicial process that ensures fairness to students who may be accused of violating the regulations contained herein.

Preface

An academic community has the responsibility to ensure that its framework stimulates education in the broadest sense. To move toward fulfillment of these purposes, SUNY New Paltz establishes these Campus Regulations as part of its framework.

In recognizing its responsibilities as a part of the total human community, the College, in pursuit of its educational purposes, cannot provide a sanctuary from the laws and rights of the land. Neither can the College duplicate the jurisdiction of the courts. Persons may be accountable to both civil authorities and to the College for acts that constitute violations of law and of Campus Regulations. Persons accused of violating state law will be reported to University Police and local authorities. Disciplinary action at the College will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. These Campus Regulations are designed strictly for the well-being of the College community and apply equally to all members of that community--faculty, staff and students. Proceedings under these regulations shall be instituted when the well-being of any member of the College community or the College itself is threatened and for no other purpose. It is the responsibility of all members of the College community to become familiar with these Campus Regulations and the Judicial Procedure. Visitors and guests can be disciplined for their behavior when it violates Campus Regulations under the Trustee's Rules for the Maintenance of Public Order (Part II). A description of recommended penalties appears in Part IV, Section F of this document.

Members of the College community participate in various ways in the operation of the educational endeavor. It is fitting, therefore, that this document places a heavy emphasis upon participation by members of the College community. Their participation is welcomed and encouraged.

I. Student's Rights & Responsibilities

A. Philosophy

Basic rights and responsibilities are guaranteed to all members of our society by the Constitution of the United States of America and the State of New York. Members of an academic community have, in addition, particular rights and obligations tailored specifically for the College environment.

The College's mission to seek and disseminate knowledge encompasses the concept that free inquiry and expression will occur within the educational process. Students are encouraged to examine and discuss issues of interest to them and to express their opinions verbally and in printed form. Lewd, obscene, vulgar, intimidating, or threatening behaviors of self-expression have no place within the academic environment. The College expects that individuals will conduct themselves in an orderly manner and refrain from disrupting classrooms or routine and essential operations of the College.

The regulations and procedures described in this document pertain primarily to on-campus conduct. While members of the College community are free to participate in off-campus activities that interest them, only those activities duly authorized by the College shall carry

the name of SUNY New Paltz. The College expects that individuals will be responsible for his/her conduct at all times and that he/she will be cognizant of and in compliance with local, state and federal laws. Campus Regulations serve to supplement local, state and federal codes and the College cannot interfere with prosecution or incarceration resulting from proceedings initiated by appropriate external law enforcement authorities.

B. Statement of Principles and Responsibility

The specific principles cited here are protected and limited within the framework of the Campus Regulations of SUNY New Paltz.

1.00 Equality

Principle: Every aspect of College life shall be free from discrimination on the basis of race, color, religion, gender, ethnic background, sexual orientation, age, marital status or disability. Student housing, organizations, athletics, classes and College community facilities are open to all who desire to participate.

Responsibility: It is the responsibility of all members of the academic community to ensure through word and action that discrimination on the basis of race, religion, gender, ethnic background, sexual orientation, age or handicap is not present in College activities or in the College community.

2.00 Association

Principle: Students are free to affiliate and organize for educational, political, social, religious, or cultural purposes.

Members of associations are free to voice their position on issues as long as there is no disruption of normal College activities in the process.

Responsibility: Student organizations have a responsibility to protect the rights of individuals who do not desire to affiliate or sympathize with their position. Members of organizations must be responsible for their actions as individuals.

Organizations and affiliations must be in compliance with legal mandates of the state and nation in order to gain recognition by College officials.

3.00 Speakers and Topics

Principle: Student organizations are free to invite speakers to the campus to speak on any topic chosen by the students. College facilities may be utilized for speakers invited to campus. The College maintains the right to deny use of facilities for speakers when there is evidence that serious disruption and/or threat to welfare could result. When appropriate, consultation with Student Association representatives will be sought.

Responsibility: Students and student organizations must recognize that the presentation of a balanced program of speakers and topics is essential for a true and exhaustive analysis of critical issues. While some organizations may support certain tenets to the exclusion of others, the opportunity to hear opposing premises is vital if an informed student body is to result. Furthermore, students and student organizations must take reasonable precautions for the safe and orderly conduct of speakers and the audience.

Where a controversial speaker is likely to engender demonstrations from other student groups, the sponsoring organization must recognize the rights of other groups and consider the impact of inviting each speaker on the orderly and lawful functioning of the College.

II. Rules for the Maintenance of Public Order

Provisions of Part 535 of the Rules of the Board of Trustees of the State University of New York that pertain to the maintenance of public order supersede all local Campus Regulations where they may be inconsistent with the Trustee’s Rules.

Part 535 of Title 8, Official Compilation of Codes, Rules and Regulations of the State of New York.

535.1 Statement of Purpose.

The following rules are adopted in compliance with Section 6450 of the Education Law and shall be filed with the Commissioner of Education and the Board of Regents on or before July 20, 1969, as required by that Section. Said rules shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and Board of Regents within 10 days after adoption. Nothing herein is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly. Free inquiry and free expression are indispensable to the objectives of a higher educational institution. Similarly, experience has demonstrated that the traditional autonomy of the educational institution (and the accompanying institutional responsibility for the maintenance of order) is best suited to achieve these objectives. These rules shall not be construed to prevent or limit communication between and among faculty, students and administration, or to relieve the institution of its special responsibility for self-regulation in the preservation of public order. Their purpose is not to prevent or restrain controversy and dissent but to prevent abuse of the rights of others and to maintain that public order appropriate to a College or University campus without which there can be no intellectual freedom and they shall be interpreted and applied to that end.

535.2 Application of Rules.

These rules shall apply to all State-operated institutions of the State University except as provided in Part 550 as applicable to the State University Maritime College. These rules may be supplemented by additional rules for the maintenance of public order heretofore or hereafter adopted for any individual institution, approved and adopted by the State University Trustees and filed with the Commissioner of Education and Board of Regents, but only to the extent that such additional rules are not inconsistent herewith. The rules hereby adopted shall govern the conduct of students, faculty and other staff, licensees, invitees, and all other persons, whether or not their presence is authorized, upon the campus of any institution to which such rules are applicable and also upon or with respect to any other premises or property, under the control of such institution, used in its teaching, research, administrative, service, cultural, recreational, athletic and other programs and activities; provided, however, that charges against any student for violation of these rules upon the premises of any such institution other than the one at which he is in attendance shall be heard and determined at the institution in which he is enrolled as a student.

535.3 Prohibited Conduct.

No person, either singly or in concert with others, shall:

- (a) willfully cause physical injury to another person, nor threaten to do so;

- (b) Physically restrain or detain any other person, nor remove such person from any place where he is authorized to remain;
- (c) willfully damage or destroy property of the institution or under its jurisdiction, nor remove or use such property without authorization;
- (d) without permission, expressed or implied, enter into any private office of an Administrative Officer, member of the faculty or staff member;
- (e) enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others;
- (f) without authorization, remain in any building or facility after it is normally closed;
- (g) refuse to leave any building or facility after being required to do so by an authorized Administrative Officer;
- (h) obstruct the free movement of persons and vehicles in any place to which these rules apply;
- (i) deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his views, including invited speakers;
- (j) knowingly have in his possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the Chief Administrative Officer, whether or not a license to possess the same has been issued to such person;
- (k) willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so; or
- (l) take any action, create or participate in the creation of any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

535.4 Freedom of Speech and Assembly; Picketing and Demonstrations.

- (a) No student, faculty or other staff member or authorized visitor shall be subject to any limitation or penalty solely for the expression of his views nor for having assembled with others for such purpose. Peaceful picketing and other orderly demonstrations in public areas of grounds and buildings will not be interfered with. Those involved in picketing and demonstrations may not, however, engage in specific conduct in violation of the provisions of the preceding Section.
- (b) In order to afford maximum protection to the participants and to the institutional community, each State-operated institution of the State University shall promptly adopt and promulgate, and thereafter continue in effect as revised from time to time, procedures appropriate to such institution for the giving of reasonable advance notice to such institution of any planned assembly, picketing or demonstration upon the grounds of such institution, its proposed locale and intended purpose; provided, however, that the giving of such notice shall not be made a condition precedent to any such assembly, picketing or demonstration and provided, further, that this provision shall not supersede nor preclude the procedures in effect at such institution for obtaining permission to use the facilities thereof.

535.5 Penalties.

A person who shall violate any of the provisions of these rules (or of the rules of any individual institution) shall:

- (a) if he is a licensee or invitee, have his authorization to remain upon the campus or other property withdrawn and shall be directed to leave the premises. In the event of his failure or refusal to do so he shall be subject to ejection.
- (b) if he is a trespasser or visitor without specific license or invitation, be subject to ejection.
- (c) if he is a student, be subject to expulsion or such lesser disciplinary action as the facts of the case may warrant, including suspension, probation, loss of privileges, reprimand or warning.
- (d) if he is a faculty member having a term or continuing appointment, be guilty of misconduct and be subject to dismissal or termination of his employment or such lesser disciplinary action as the facts may warrant including suspension without pay or censure.
- (e) if he is a staff member in the classified service of the civil services, described in Section 75 of the Civil Service Law, be guilty of misconduct, and be subject to the penalties prescribed in said Section.
- (f) if he is a staff member other than one described in subdivisions (d) and (e) of this Section, be subject to dismissal, suspension without pay or censure.

535.6 Procedure.

- (a) The Chief Administrative Officer or his designee shall inform any licensee or invitee who shall violate any provisions of these rules (or of the rules of any individual institution supplementing or implementing these rules) that his license or invitation is withdrawn and shall direct him to leave the campus or other property of the institution. In the event of his failure or refusal to do so such officer shall cause his ejection from such campus or property.
- (b) In the case of any other violator, who is neither a student nor faculty or other staff member, the Chief Administrative Officer or his designee shall inform him that he is not authorized to remain on the campus or other property of the institution and direct him to leave such premises. In the event of his failure or refusal to do so such officer shall cause his ejection from such campus or property. Nothing in this subdivision shall be construed to authorize the presence of any such person at any time prior to such violation nor to affect his liability to prosecution for trespass or loitering as prescribed in the Penal Law.
- (c) In the case of a student, charges for violation of any of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be presented and shall be heard and determined in the manner hereinafter provided in Section 535.9 of this Part.
- (d) In the case of a faculty member having a continuing or term appointment, charges of misconduct in violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be made, heard and determined in accordance with Title D of Part 338 of the policies of the Board of Trustees.
- (e) In the case of any staff member who holds a position in the classified civil service, described in Section 75 of the Civil Service Law, charges of misconduct in violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be made, heard, and determined as prescribed in that Section.

- (f) Any other faculty or staff member who shall violate any provision of these rules (or of the rules of any individual institution supplementing or implementing these rules) shall be dismissed, suspended, or censured by the appointing authority prescribed in the policies of the Board of Trustees.

535.7 Enforcement Program.

- (a) The Chief Administrative Officer shall be responsible for the enforcement of these rules (or of the rules of any individual institution supplementing or implementing these rules) and shall designate to other Administrative Officers who are authorized to take action in accordance with such rules when required or appropriate to carry them into effect.
- (b) It is not intended by any provisions herein to curtail the right of students, faculty or staff to be heard upon any matter affecting them in their relations with the institution. In the case of any apparent violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) by such persons, which, in the judgment of the Chief Administrative Officer or his designee, does not pose any immediate threat of injury to person or property, such officer may make reasonable effort to learn the cause of the conduct in question and to persuade those engaged therein to desist and to resort to permissible methods for the resolution of any issues which may be presented. In doing so such officer shall warn such persons of the consequences of persistence in the prohibited conduct, including their ejection from any premises of the institution where their continued presence and conduct is in violation of these rules (or of the rules of any individual institution supplementing or implementing these rules).
- (c) In any case where violation of these rules (or of the rules of any individual institution supplementing or implementing these rules) does not cease after such warning and in other cases of willful violation of such rules, the Chief Administrative Officer or his designee shall cause the ejection of the violator from any premises which he occupies in such violation and shall initiate disciplinary action as hereinbefore provided.
- (d) The Chief Administrative Officer or his designee may apply to the public authorities for any aid which he deems necessary in causing the ejection of any violator of these rules (or of the rules of any individual institution supplementing or implementing these rules) and he may request the State University counsel to apply to any court of appropriate jurisdiction for an injunction to restrain the violation or threatened violation of such rules.

535.8 Communication.

In matters of the sort to which these rules are addressed, full and prompt communication among all components of the institutional community, faculty, students and administration, is highly desirable. To the extent that time and circumstances permit, such communication should precede the exercise of the authority, discretion and responsibilities granted and imposed in these rules. To these ends each State-operated institution of the State University shall employ such procedures and means, formal and informal, as will promote such communication.

535.9 Notice, Hearing, and Determination of Charges Against Students.

- (a) The term Chief Administrative Officer, as used in these rules, shall be deemed to mean and include any person authorized to exercise the powers of that office during a vacancy therein or during the absence or disability of the incumbent and for purposes of this Section shall also include any designee appointed by said officer.
- (b) Whenever a complaint is made to the Chief Administrative Officer of any State-operated institution of the University of a violation by a student or students of the rules prescribed in this Part (or of any rules adopted by an individual institution supplementing or

implementing such rules) or whenever he has knowledge that such a violation may have occurred, he shall cause an investigation to be made and the statements of the complainants, if any, and of other persons having knowledge of the fact reduced to writing. If he is satisfied from such investigation and statements that there is reasonable ground to believe that there has been such a violation, he shall prepare or cause to be prepared charges against the student or students alleged to have committed such violation which shall state the provision prescribing the offense and shall specify the ultimate facts alleged to constitute such offense.

- (c) Such charges shall be in writing and shall be served on the student or students named therein by delivering the same to him or them personally, if possible, or, if not, by mailing a copy of such charges by registered mail to such student or students at his or their usual place or places of abode while attending College and also to his or their home address or addresses, if different.
- (d) The notice of charges so served shall fix a date for hearing thereon not less than 10 or more than 15 days from the date of service which shall be the date of mailing where necessary to effect service by mail. Failure to appear in response to the charges on the date fixed for hearing, unless there has been a continuance for good cause shown, shall be deemed to be an admission of the facts stated in such charges and shall warrant such action as may then be appropriate thereon. Before taking such action, the Hearing Committee, hereinafter referred to, shall give notice to any student, who has failed to appear, in the manner prescribed in subdivision (c), of its proposed findings and recommendations to be submitted to the Chief Administrative Officer and shall so submit such findings and recommendations 10 days thereafter unless the student has meanwhile shown good cause for his failure to appear, in which case a date for hearing shall be fixed.
- (e) Upon demand at any time before or at the hearing, the student charged or his representative, duly designated, shall be furnished a copy of the statements taken by the Chief Administrative Officer in relation to such charges and with the names of any other witnesses who will be produced at the hearing in support of the charges; provided, however, that this shall not preclude the testimony of witnesses who were unknown at the time of such demand.
- (f) The Chief Administrative Officer may, upon the service of charges, suspend the student named therein, from all or any part of the institution's premises or facilities, pending the hearing and determination thereof, whenever, in his judgment, the continued presence of such student would constitute a clear danger to himself or to the safety of persons or property on the premises of the institution or would pose an immediate threat of disruptive interference with the normal conduct of the institution's activities and functions; provided, however, that the Chief Administrative Officer shall grant an immediate hearing on request of any student so suspended with respect to the basis for such suspension.
- (g) There shall be constituted at each State-operated institution a Hearing Committee to hear charges against students of violation of the rules for maintenance of public order prescribed by or referred to in this Part. Such committee shall consist of three members of the administrative staff and three members of the faculty, designated by the Chief Administrative Officer and three students who shall be designated by the members named by the Chief Administrative Officer. Each such member shall serve until his successor or replacement has been designated. No member of the committee shall serve in any case where he is witness or is or has been directly involved in the events upon which the charges are based. In order to provide for cases where there may be such a disqualification and for cases of absence or disability, the Chief Administrative Officer shall designate an alternate member of the administrative staff and an alternate member of the faculty, and his principal designees shall designate an alternate student member, to serve in such cases. Any five members of the committee may conduct hearings and make

findings and recommendations as hereinafter provided. At any institution where the Chief Administrative Officer determines that the number of hearings which will be required to be held is, or may be, so great that they cannot otherwise be disposed of with reasonable speed, he may determine that the Hearing Committee shall consist of six members of the administrative staff and six members of the faculty to be designated by him and of six students who shall be designated by the members so designated by him. In such event the Chief Administrative Officer shall designate one of such members as chairman who may divide the membership of the committee into three divisions each to consist of two members of the administrative staff, two faculty members and two students and may assign charges among such divisions for hearing. Any four members of each such division may conduct hearings and make recommendations as hereinafter provided.

- (h) The Hearing Committee shall not be bound by the technical rules of evidence but may hear or receive any testimony or evidence which is relevant and material to the issues presented by the charges and which will contribute to a full and fair consideration thereof and determination thereon. A student against whom the charges are made may appear by and with representatives of his choice. He may confront and examine witnesses against him and may produce witnesses and documentary evidence in his own behalf. There may be present at the hearing: the student charged and his representatives and witnesses; other witnesses; representatives of the institutional administration; and, unless the student shall request a closed hearing, such other members of the institutional community or other persons, or both, as may be admitted by the Hearing Committee. A transcript of the proceedings shall be made.
- (i) Within 20 days after the close of a hearing, the Hearing Committee shall submit a report of its findings of fact and recommendations for disposition of the charges to the Chief Administrative Officer, together with a transcript of the proceedings, and shall at the same time transmit a copy of its report to the student concerned or his representative. Within 10 days thereafter the Chief Administrative Officer shall make his determination thereon. Final authority to dismiss the charges or to determine the guilt of those against whom they are made and to expel, suspend or otherwise discipline them shall be vested in the Chief Administrative Officer. If he shall reject the findings of the Hearing Committee in whole or in part, he shall make new findings which must be based on substantial evidence in the record and shall include them in the notice of his final determination which shall be served upon the student or students with respect to whom it is made.

** Applies to charges for violation of the rules prescribed by or referred to in this Part heretofore served which have not been finally determined within 60 days after the adoption hereof, which charges shall be referred to the committee constituted pursuant to said Section 535.9 for determination in accordance therewith, and said Section shall apply to all charges for violation of such rules hereafter made, whether for violations heretofore or hereafter committed.*

535.10 Rules for Organizations.

- (a) **Organizations.** Organizations which operate upon the campus of any State-operated institution or upon the property of any State-operated institution used for educational purposes shall be prohibited from authorizing the conduct described in subdivision (1) of Section 535.3 of this Part.
- (b) **Procedure.** The Chief Administrative Officer at each State-operated institution shall be responsible for the enforcement of this Section, and, as used herein, the term Chief Administrative Officer shall include any designee appointed by said officer.
 - (1) Whenever the Chief Administrative Officer has determined on the basis of a complaint or personal knowledge that there is reasonable ground to believe that there has been a violation of this Section by any organization, the Chief Administrative Officer shall prepare or cause to be prepared written charges against the organization

which shall state the provision proscribing the conduct and shall specify the ultimate facts alleged to constitute such violation.

- (2) Such written charges shall be served upon the principal officer of the organization by registered or certified mail, return receipt requested, to the organization's current address and shall be accompanied by a notice that the organization may respond in writing to the charges within 10 days of receipt of said notice. The notice of the charge so served shall include a statement that the failure to submit a response within 10 days shall be deemed to be an admission of the facts stated in such charges and shall warrant the imposition of the penalty described in subdivision (c) of this Section. The response shall be submitted to the Chief Administrative Officer and shall constitute the formal denial or affirmation of the ultimate facts alleged in the charge. The Chief Administrative Officer may allow an extension of the 10-day response period.
 - (3) Upon written request, by an authorized representative of the organization, the Chief Administrative Officer shall provide the representative organization an opportunity for a hearing. A hearing panel designated by the Chief Administrative Officer shall hear or receive any testimony or evidence which is relevant and material to the issues presented by the charge and which will contribute to a full and fair consideration thereof and determination thereon. The organization's representative may confront and examine witnesses against and may produce witnesses and documentary evidence on its behalf. The hearing panel shall submit written findings of fact and recommendations for disposition of the charge to the Chief Administrative Officer within 20 days after the close of the hearing.
 - (4) Final authority to dismiss the charges or to make a final determination shall be vested in the Chief Administrative Officer. Notice of the decision shall be in writing; shall include the reasons supporting such decision; and shall be served on the principal officer of the organization by mail in the manner described in paragraph (2) of this subdivision within a reasonable time after such decision is made.
- (c) **Penalties.** Any organization which authorizes the prohibited conduct described in subdivision (1) of Section 535.3 of this Part shall be subject to the rescission of permission to operate upon the campus or upon the property of the State-operated institution used for educational purposes. The penalty provided in this subdivision shall be in addition to any penalty which may be imposed pursuant to the Penal Law and any other provision of law, or to any penalty to which an individual may be subject pursuant to this Part.
- (d) **Bylaws.** Section 6450 (1) of the Education Law requires that the provisions of this Part which prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be deemed to be part of the bylaws of all organizations which operate upon the campus of any State-operated institution used for educational purposes. The statute further requires that each such organization shall review these bylaws annually with individuals affiliated with the organization.
- (e) **Distribution.** Copies of the provisions of this Part which prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be given to all students enrolled in each State-operated institution.

III. Campus Regulations

Behavioral standards are developed by institutions of higher education for the purpose of furthering the accomplishment of educational objectives. These standards, commonly referred to as Campus Regulations, may apply to behavior on-campus as well as off-campus. Violations of the regulations set forth by the College may, given certain conditions, result in disciplinary action by both College and civil authorities. Regulations may not, however, be unreasonable or forbid the exercise of a right guaranteed by the Constitution of the United States.

Attendance at SUNY New Paltz is both voluntary and optional. Such entrance into the academic community automatically obligates each student to live up to the regulations established by the community.

Authority for the enactment of student regulations is vested in the State University of New York Board of Trustees and the New Paltz College Council. The Board delegates powers to the President, who in turn shares with specified officers of the College, the faculty and student body the responsibility to develop recommendations regarding student regulations. Generally, College jurisdiction and discipline will be applied to conduct which occurs on College premises or at College sponsored-events or activities. However, jurisdiction and discipline may also be applied to conduct, even though off-campus, which adversely affects the College community or the interests and mission of SUNY New Paltz.

Regulations that are developed and approved from time to time shall be considered to be part of this document upon adoption by the College Council. Newly approved regulations shall be posted in appropriate places upon their adoption.

A. Related Documents

The following is a list of regulations that have been published by various offices of the College and shall be considered supplemental to these Regulations, violations of which can be adjudicated in accordance with the judicial procedures outlined in Part IV of this document. All documents can be found in the Library, the University Police Office, and in specific offices cited below.

1. **Academic Integrity:** Procedures for resolving academic integrity cases have been developed by the Vice President of Academic Affairs in consultation with the Faculty Senate and Vice President for Student Affairs. The procedures are available upon request from the Offices of the Academic Deans, the Office of the Dean of Students or on the Web at www.newpaltz.edu/ugc/policies_integrity.html.
2. **Alcohol on Campus:** Policies regarding open containers of alcohol are contained in Part III C, 1.00 of the Campus Regulations. Policies and procedures on the promotion and sale of alcoholic beverages at authorized campus events are available in the Office of Student Activities and Union Services. Information regarding the use/abuse of alcohol, referral sources, and relevant New York State laws is contained in the Institutional Response to the Use of Illicit Drugs and Alcohol pamphlet that is available in the Student Affairs Office or on the Web at www.newpaltz.edu/studentaffairs/drugs.
3. **Ashokan Campus:** Regulations concerning the use of the Ashokan Campus including the General Policy, Beach Policy, and Conservation Policy are available upon request from the College Auxiliary Services, Inc. or see their Web at www2.newpaltz.edu/ashokan.
4. **College Housing Facilities:** Regulations concerning the use of College Residence Halls and the general conduct of residents and guests are contained in the Housing Handbook which is available upon request from the Office of Residence Life or on the Web at www.newpaltz.edu/reslife/handbook_policies.cfm.

5. **College Library:** Regulations concerning the use of the College Library facilities are contained in the "Library Bulletin Series" and are available upon request from the Library or refer to the Library Code of Conduct on the Web at <http://lib.newpaltz.edu/policies/codeofconduct.html>.
6. **Commercial Activities:** Policies governing commercial activities on-campus are available upon request from the Office of Student Activities and Union Services and the University Police Office.
7. **Mission Statement on Cultural Diversity:** Copies of mission statement are available upon request from the Office of Student Affairs or refer to the Web at www.newpaltz.edu/mri.
8. **Non-Discrimination:** Policy statements and procedures for handling complaints of discrimination based on age, race, creed, color, national origin, sex, disability, marital status and sexual orientation are available from the Affirmative Action Office or on the Web at www.newpaltz.edu/hr/aa_antiharassment.cfm.
9. **Policy Governing the Formation, Recognition and Function of Social/Service Greek Letter Organizations:** Fraternities and Sororities: Copies of policy are available upon request from the Office of the Dean of Students, the Office of Student Activities and Union Services, and the Inter-Greek Council or on the Web at www.newpaltz.edu/sub/greeklife.html.
10. **Policy Statement on HIV Infection Including AIDS:** Copies of this policy are available upon request from the Office of Student Affairs, Human Resources or on the Web at www.newpaltz.edu/hr/aids.pdf.
11. **Policy Statement on the Use of Illicit Drugs on Campus:** Copies of the College's response to the use of illicit drugs and alcohol are available upon request in the Student Affairs Office, the Student Handbook or on the Web at www.newpaltz.edu/studentaffairs/drugs/index.html.
12. **Privacy Rights of Students and Families:** Policies governing the rights of students and their families are published in the Advising Handbook and are available in the Office of Academic Advising or on the Web at www.newpaltz.edu/ugc/policies_records.html.
13. **Sexual Assault & Harassment:** Copies of this document are available through the Dean of Students, University Police, and the Library. Information regarding policies and procedures related to acts of sexual assault is available in the Student Affairs Office, the Student Handbook and the Web at www.newpaltz.edu/studentaffairs/harassment/intro.html.
14. **Traffic Code:** Regulations regarding the possession and use of motor vehicles on-campus have been filed with the Secretary of State of the State of New York, the Clerk of Ulster County, and Village of New Paltz, and the towns of New Paltz and Olive and are available upon request from the University Police Office as well as our Web at www.newpaltz.edu/parking/rules.html.
15. **Use of College Facilities/Grounds:** Information governing the use of campus facilities and property for social and cultural programming are available upon request from the Office of Student Activities and Union Services or their Web at www.newpaltz.edu/sub/sub.html.
16. **Academic Computing/Acceptable Uses:** Policies concerning the use of campus computing facilities and network resources are available in the Office of Computer Services and at www.acs.newpaltz.edu/policies.

B. Campus Rules

1.00 General Regulatory Statement

No person shall engage in conduct detrimental to the College community as hereinafter defined. Conduct shall be deemed detrimental to the College community if it consists of an act or acts prohibited under municipal, State or federal law or written policy or regulation of the College, (a) results in or threatens injury, damage, or loss to students, faculty, or administrative personnel of the College, or to buildings, structures or other property under College control; or (b) hinders the College in the pursuit of its educational mission and the discharge of its basic responsibilities to maintain an orderly educational atmosphere and to function without interruption as an institution of higher learning.

(Penalty: not less than Disciplinary Probation; not more than Expulsion. In addition, violators are subject to arrest, prosecution and incarceration as a result of severe or aggravated misconduct.)

2.00 Academic Integrity

Students are expected to maintain the highest standards of honesty in their College work. Cheating, forgery, and plagiarism are serious offenses, and students found guilty of any form of academic dishonesty are subject to disciplinary action.

Cheating is defined as giving or obtaining information by improper means in meeting any academic requirements. The use for academic credit of the same work in more than one course without the knowledge or consent of the instructor(s) is a form of cheating and is a serious violation of academic integrity.

Forgery is defined as the alteration of College forms, documents, or records, or the signing of such forms or documents by someone other than the proper designee.

Plagiarism is the representation, intentional or unintentional, of someone else's words or ideas as one's own. Since words in print are the property of an author or publisher, plagiarizing is a form of larceny punishable by fine. When using another person's words in a paper, students must place them within quotation marks or clearly set them off in the text and give them appropriate footnoting. When students use only the ideas and change the words, they must clearly identify the source of the ideas. Plagiarism, whether intentional or unintentional, therefore, is a violation of the property of the author plagiarized and of the implied assurance by the students when they hand in work that the work is their own. If students have any questions about what constitutes plagiarism, it is their responsibility to clarify the matter by conferring with the instructor.

Faculty members must report cases of cheating, plagiarism or forgery to their department chair and Academic Dean. Faculty members are also responsible for making the initial determination of the academic penalty to be imposed in cases of cheating, plagiarism, or forgery and for informing the department chair, the Academic Dean and the student in writing of the alleged violation and the proposed penalty. The academic penalty may range, for instance, from failure of a specific piece of work in a course to failure of the course itself. Cases requiring disciplinary and/or grade appeal action will be adjudicated in accordance with Procedures for Resolving Academic Integrity Cases, a copy of which is available in the Office of the Vice President for Student Affairs, Office of the Vice President for Academic Affairs, and the Office of the Dean of Students.

In those cases where allegations of academic dishonesty have been filed with the Campus Judicial Officer, charges pursuant to the complaint will be based on reason to believe that provisions of one or more of the following regulatory statements have been violated:

- .01 No person shall, during the course of a quiz or examination (a) offer information of any kind to another person, (b) receive information of any kind from another person or from the quiz or examination responses made by another person, or (c) have in his/her possession any tool, written material, or other device which may be of assistance to him/her in taking the quiz or examination and which has not been authorized by the person proctoring the quiz or examination.
- .02 No person shall submit as his/her own to an instructor any work which contains ideas or materials taken from another without proper acknowledgement of the author and the source.
- .03 No person shall take, steal, or otherwise procure in an unauthorized manner any piece or pieces of writing which contain the questions or answers to an examination scheduled to be given to any individual or group enrolled in any course of study offered by the College.
- .04 No person shall sell, give away, lend or otherwise furnish to any unauthorized individual any piece or pieces of writing which contain the questions or answers to an examination scheduled to be given to any individual or group enrolled in any course of study offered by the College.
- .05 The unauthorized possession of any of the aforesaid pieces of writing shall be considered as prima facie evidence of a violation of the provision of the regulation.

(Penalty: not less than Disciplinary Probation; not more than Expulsion and the inclusion of an academic penalty by the instructor. Such action does not preclude academic penalties imposed by an instructor. Students and Faculty should refer to the Procedures for Resolving Academic Integrity Cases for additional information.)

3.00 Physical Abuse

- .01 No person shall attempt to cause physical injury by subjecting another to physical contact (i.e. striking, shoving, kicking, slapping).
- .02 No person shall recklessly cause physical injury or impairment or bodily harm to any member of the College community, or any person who is on campus for a legitimate purpose.
- .03 No person shall recklessly cause physical injury to any member of the College community by means of a deadly weapon or dangerous instrument, or engage in conduct which creates a risk of serious physical injury or death. (See also: Section 10.00 "Hazing".)
- .04 No person shall attempt to cause injury to a peace officer, police officer, fire fighter, paramedic, or emergency medical technician with the intent to prevent them from performing their lawful duties.

(Penalty: not less than Disciplinary Probation; not more than Expulsion.)

4.00 Dangerous Materials

- .01 No person shall on College property possess, store, mix, or experiment with any chemical or explosives including, but not limited to, gunpowder, propane, and gasoline which may be injurious to any person's life and safety, except as provided under supervised academic programs.

(Penalty: not less than Disciplinary Probation; not more than Suspension.)

5.00 Disruption of Judicial Hearings

No person shall shout, jeer, make threats, or otherwise act in any manner so as to interfere with judicial hearings.

(Penalty: not less than Disciplinary Probation; not more than Suspension.)

6.00 Failure to Comply with Disciplinary Decisions

No person shall fail to comply with any disciplinary condition imposed upon him/her by any judicial body or administrators.

(Penalty: progressively more severe penalties.)

7.00 False Reporting

.01 No person shall cause information regarding College business to be conveyed to any College community members or office knowing the information reported or circulated to be false or baseless.

.02 No person shall knowingly offer false testimony at any Disciplinary or Investigatory Hearing.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

8.00 Fireworks

No person shall possess, explode, or cause to explode firecrackers or other types of fireworks or explosives in any building or on any property owned or controlled by the College.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

9.00 Harassment

.01 No person shall engage in a course of conduct or commit acts that alarm or seriously annoy another person and serve no legitimate purpose. Such acts include, but are not limited to: obscene language or gesturing, stalking, creating a condition that endangers, intimidates or threatens the health and safety of a member of the College community.

.02 No person shall communicate by telephone, mail or any other form, anonymously or otherwise, with intent to cause annoyance or alarm, or for no legitimate purpose.

.03 No person shall use threats, abuse, epithets and other harassing expressions which are directed at an individual and which can be reasonably anticipated to provoke an immediate violent reaction. This may include but is not limited to expressions relative to a person's race, ethnicity, national origin, religious or cultural identity, sexual orientation, disability or gender.

(Penalty: not less than Warning Probation; not more than Expulsion.)

10.00 Hazing

No person(s) shall subject any member(s) of the College community to degrading or humiliating activities and situations, or could place persons in situations that threaten their health, safety, and well being for purposes of gaining entry into any organization or group, or through other affiliation processes. (See also related documents Section III, -9 concerning the Policy Governing the Formation, Recognition and Functions of Social/Service Greek Letter Organizations.)

(Penalty: not less than Disciplinary Probation; not more than Expulsion.)

11.00 Narcotics, Illicit Drugs, and Controlled Substances

.01 Possession of Illicit and/or Controlled Substances

No person shall use, possess, manufacture, or have under his/her control any narcotic, illegal drug, or controlled substance not prescribed to them by a licensed physician, including but not limited to: cocaine and its derivatives, heroin, opiates, barbiturates, amphetamines, organic or synthetic, depressants, stimulants, and hallucinogens; marijuana and its derivatives, including hash and hash oil, plants, seeds, resins, etc., or any other substance specifically prohibited or controlled by Federal or State law.

(Penalties: for possession of marijuana, 1st offense: not less than Disciplinary Probation and educational and/or clinical intervention and parental notification if applicable, not more than Expulsion. Possession of marijuana, 2nd offense: not less than Expulsion. Possession of all other controlled substances: not less than Expulsion. Persons in possession of a controlled substance may be arrested and charged under the New York State penal code, and be subjected to fines and/or imprisonment.)

.02 Sale and/or Distribution of Illicit Drugs and/or Controlled Substances

No person shall sell, offer for sale, or otherwise attempt to distribute any narcotic or illegal drug or controlled substance, as described above, including by specific reference, marijuana and its derivatives.

(Penalty: not less than Expulsion, and where possible, the imposition of criminal charges.)

12.00 Illegal Weapons

No person shall possess weapons of any kind (even if licensed) including, but not limited to, nunchaku sticks, firearms, knives, air guns, etc., in the Residence Halls or anywhere on campus.

(Penalty: not less than Warning Probation; not more than Expulsion.)

13.00 Unauthorized Use of College Name, Supplies and Documents/Forgery

.01 Under provisions of the New York State Education Law, authority to use the name of the State University of New York (SUNY) and SUNY New Paltz is restricted by the Legislature and Regents to official University or College business. Therefore, no person shall use the name of the College or University, its logos or other insignias without proper authorization.

.02 No person shall forge or alter supplies and documents of the College or misrepresent himself/herself to the College or any person or outside agency.

.03 No person shall use, receive, or possess supplies and documents of the College without proper authorization.

(Penalty: not less than Warning Probation, not more than Suspension.)

14.00 Property Damage/Destruction

No person shall take, steal, burn, destroy or damage any property, be it personal or otherwise, on the College campus or other property under College control or belonging to another member of the College community. In addition, no person shall in any manner whatsoever deface any property under the ownership or control of the College.

(Penalty: not less than Warning Probation; not more than Suspension.)

15.00 Rape

- .01 No person or group of individuals shall engage in vaginal, penile, oral or anal penetration with any individual if such behavior is against the will and without the verbal consent of that person. (Forced vaginal, penile, oral or anal penetration can occur with any individual and may or may not involve deception, violence, or the threat of physical harm.)
- .02 No person or group of individuals shall violate through vaginal, penile, oral or anal penetration someone who is physically helpless (i.e., drunk and/or under the influence of a substance or substances), unconscious (i.e., "passed out"), or otherwise incapacitated and unable to communicate willingness towards an act, or control his/her own behavior, or to give verbal consent.

(Penalty: not less than Expulsion.)

16.00 Sexual Abuse

No person or group of individuals shall engage in sexual behavior towards any individual against his/her will and without his/her verbal consent. Such behavior includes, but is not limited to, touching, pinching, patting, or pressing up against someone or exposing genitalia.

(Penalty: not less than Disciplinary Probation; not more than Expulsion.)

SUNY New Paltz expressly prohibits the sexually aggressive conduct noted above and students found engaging in it will be subject to severe disciplinary action on campus. (See also: Statement of Victim's Rights, Part IV, Section B. 3.) In addition, violators may also be subject to criminal charges and prosecution under local and state laws.

17.00 Sexual Harassment

According to the Equal Employment Opportunity "Guidelines," unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to the conduct is either an explicit or implicit term or condition of employment or academic advancement; or
2. submission to or rejection of the conduct is used as a basis for an employment or valuative decision affecting the person rejecting or submitting to the conduct; or
3. the conduct has the purpose or effect of unreasonable interfering with an affected person's work performance, learning environment, or creating an intimidating, hostile, or offensive work environment.

Every person is entitled to a work and learning environment free from the devastating effects of sexual harassment. Therefore, SUNY New Paltz opposes sexual harassment of both employees and students. Such harassment of employees or of students that implies a requirement of sexual cooperation as a condition of employment or academic advancement will not be tolerated. It will be considered a form of misconduct and sanctions with disciplinary actions will be enforced against:

1. individuals engaging in it; and
2. supervisory and managerial personnel who knowingly allow it to continue.

Any charges of sexual harassment against employees will be pursued in accordance with the disciplinary provisions of the appropriate union contracts. Charges of sexual harassment against students will be subject to judicial proceedings under Campus Rules and Regulations.

Students and employees of SUNY New Paltz who consider themselves victims of sexual discrimination may file a grievance in writing with the Affirmative Action Office within 45 calendar days of the alleged discriminatory act. Persons who choose to file a complaint within the College will not lose the right to file with an external enforcement agency such as the Equal Employment Opportunity Commission or the State Division of Human Rights.

(Penalty: not less than Disciplinary Probation; not more than Expulsion.)

18.00 Unauthorized Use of Computer Services

The campus computing facilities and network resources are available to registered students and officially recognized organizations. They are provided for instructional and research purposes, and must never be used for commercial purposes or personal gain. Students are responsible for all activity associated with their computer accounts.

- .01 No person shall use computers and network services to harass or threaten other computer users, or to publicly display offensive or obscene messages.
- .02 No person shall impersonate another user via electronic media.
- .03 No person shall copy, read, misappropriate, alter or destroy the files or output of another individual without that individual's permission or other authorization.
- .04 No person shall make unauthorized duplicates of software or other copyrighted material.
- .05 No person shall intentionally introduce computer viruses or worm to the College's computing facilities; or use the College's facilities to send Spam.
- .06 No person shall interfere with the operation of the College's computer facilities by deliberately attempting to degrade or disrupt system performance, security, or administrative operations.
- .07 No person shall conduct any transactions of a fraudulent or illegal nature.
- .08 No person shall attempt to obtain the passwords of others in order to fraudulently use another's account.
- .09 No person shall share his/her account or access privileges with another.
- .10 No person shall use any of the campus computing or network facilities to run a business or other profit-making venture.
- .11 No person shall violate copyright protections. Copyright protections are created when words are put on paper, words are transmitted via email, music is recorded, computer software is written, or images are created. Once done, the work is protected by copyright. If someone else wants to use the work, they must get permission from the creator. If they use the material without the creator's permission – it may be copyright infringement. Copyright infringement is any reproduction (download), display, distribution (upload), creation of derivative works, or public performance of copyrighted material without permission of the copyright owner or unless there is an applicable statutory exception or limitation.
- .12 No person shall copy, distribute, download, and/or upload copyrighted materials on any personal or College computer system. These materials include, but are not limited to, text (including emails and Web information), graphics, art, photographs, music, film and software.

(Penalty: not less than Warning Probation; not more than Expulsion.)

19.00 Theft/Possession of Stolen Property

No person shall take and/or knowingly possess property other than his/her own with intent to benefit himself/herself or a person other than the owner thereof or to impede recovery by the owner or College officials acting on behalf of the owner.

(Penalty: not less than Warning Probation; not more than Expulsion.)

20.00 Trespassing/Unauthorized Use of Facilities and Services

.01 No person shall enter into and/or utilize any College facility or service without proper authorization. No person shall enter a facility that they have specifically been prohibited from entering as per a judicial sanction.

.02 Door-to-door solicitation is not permitted in the residence halls. Unaddressed handbills, announcements, election flyers or advertisements are not to be sent through the campus mail, placed under residence hall doors, or posted on residence hall bulletin boards. Vendors may not use residence hall lobbies or unoccupied spaces to sell or distribute their products without prior authorization from the office of Residence life.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation and/or Persona non Grata status when appropriate.)

21.00 Fire Equipment and Alarms

.01 No person shall disregard a fire alarm signal or refuse to evacuate a building when a fire alarm is activated.

.02 No person shall ring any bell or operate or trigger any mechanical or electrical apparatus or combination thereof for the purpose of creating a false alarm of fire.

.03 No person shall, without authorization, operate or tamper with any fire safety equipment, including fire extinguishers, except for use in emergency situations, and for such purposes for which the equipment was intended.

(Penalty: not less than Disciplinary Probation including possible Denial of Campus Residency; not more than Expulsion.)

22.00 Disorderly/Disruptive Conduct

.01 No person shall engage in criminal mischief (vandalism) or recklessly create a public inconvenience or disturbance by fighting, making unreasonable noise, using abusive or obscene language, disturbing a lawful meeting, obstructing pedestrian or vehicle traffic, or creating a hazardous or physically offensive situation by an act which serves no legitimate purpose.

.02 Water, food, and shaving cream fights, ball playing, Frisbee throwing, and activities of a similar nature and those which serve no legitimate purpose are prohibited in College buildings, and chalking sidewalks and walkways on campus, except where authorized, because of the potential damage to property and disturbance of others.

.03 No person shall make graffiti of any type on any building or any other property owned by any person, firm or governmental agency. Graffiti is the unauthorized etching, painting, covering, drawing upon or otherwise placing of a mark upon public or private property.

(Penalty: not less than Warning Probation; not more than Suspension and possible Restitution for Damages.)

C. Administrative Regulations (including College Housing Facilities)

Alleged violations of the following policies shall be adjudicated administratively according to the provisions of Part IV, Section B of this document.

1.00 Alcoholic Beverages and Open Containers

No person shall possess, sell, or give away alcoholic beverages without proper authorization. (See policy on "Use of Campus Grounds" and "Alcohol" under Related Documents.) Alcoholic beverages are permitted in student rooms within the Residence Halls, provided, however, that no person under the age of 21 may possess alcoholic beverages with the intent to consume such beverage.

- Persons 21 or older may possess alcoholic beverages in moderate amounts in their individual residence hall room or suite with the following limitation: no person shall sell, deliver, or give away any alcoholic beverage to any person under the age of 21.
- Any guest (student or non-student) 21 years of age and older, who is visiting a resident under the age of 21 is not permitted to bring alcohol into the halls.
- Open containers may not be possessed by any person outside of the student's room or suite, or elsewhere on campus unless legally authorized in accordance with College policy, local ordinances, and State law. Kegs and beer balls are not permitted in the Residence Halls. Unauthorized kegs and beer balls will be confiscated.

The College holds persons responsible for their behavior at all times, including while under the influence of alcohol.

(Penalty: not less than Warning Probation; not more than Suspension and parental notification if applicable.)

2.00 Compliance with Official Requests

No person shall fail to comply with a legitimate, reasonable, and lawful request or direction by members of the faculty and administrative staff, other employees of the College, or officially recognized volunteers acting in accordance with their official duties.

(Penalty: not less than Warning Probation; not more than Suspension.)

3.00 Identification/Keys/Access to Facilities and Services

- .01 No person shall lend or give to another person a College identification card, key or key card, College fee sheet, or other official identification for the purpose of gaining entry into any College building, activity or event or obtaining a service of any kind from the College.
- .02 No person shall use a College identification card, key, or key card, College fee sheet, telephone access code, or other official identification which is not rightfully his/hers for the purpose of gaining unauthorized entry into any College building, activity, or event or obtaining a service of any kind from the College.
- .03 No person shall fail to immediately produce his/her College identification card when requested to do so by a College official.
- .04 No person shall knowingly bypass the security systems designed to control access to the Residence Halls (i.e., propping open doors, disabling locks, unlocking windows, etc.).

(Penalty: not less than Warning Probation; not more than Suspension.)

- .05 No person shall gain or attempt to gain illegal or unauthorized access to telecommunication or computer services/databases by any means, including but not limited to entering random numbers or passwords into a security system designed to limit access to authorized users/subscribers, or by using software applications or hardware to “crack” or bypass such security devices.

(Penalty: not less than Warning Probation, not more than Expulsion, Restitution, and where possible, the imposition of criminal charges.)

4.00 Fraudulent Receipt/Use of Services

- .01 No person shall stay overnight or permit or assist another person in staying overnight in a residence hall unless he/she is registered by authorized personnel as a resident or as an overnight guest.
- .02 No person shall use laundry facilities (washers and dryers) in Residence Halls unless he/she has a valid Residence Hall License.
- .03 No person shall use or receive College utility, computer or communication services (water, heat, electricity, computer software, telecommunication cables and hook-ups) or any College equipment without proper authorization from a College official.
- .04 No person shall tamper with, counterfeit or fraudulently use campus vehicle registration and/or parking hang tags; or obtain or use a permit by giving false information (including violation of the Freshmen Parking Ban Policy), or illegally procure such property.

(Penalty: not less than Disciplinary Probation; not more than Suspension and possible Financial Restitution.)

5.00 Noise

- .01 No person shall operate any radio, television, stereo equipment, or use any sound amplification equipment or musical instrument or create sounds which in any way annoy or disturb the quiet, comfort, or repose of any member of the campus community or interfere with the normal functioning of the College.
- .02 No person shall in any way create sounds in Residence Halls which may be disturbing to students who may be sleeping or studying.
- .03 No resident of a residence hall shall host persons in his/her room who shall in any way create sounds which may be disturbing to students who are studying or sleeping.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

6.00 Movement of Furniture

No person shall move College equipment or furnishings from room to room or from rooms, lounges, lobbies, or buildings without official authorization. Only free standing or unaffixed furniture may be rearranged within residence hall rooms.

(Penalty: not less than Warning Probation; not more than Suspension.)

7.00 Showers and Bathroom Facilities

- .01 No person shall enter shower areas and restroom facilities which are designated for use by the opposite sex.

.02 No person shall permit his/her guest to enter shower areas and rest room facilities which are designated for use by the opposite sex.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

8.00 Overnight Guests

Overnight guests are permitted in college housing facilities, providing everyone who lives in the unit agrees to have guest(s) stay overnight. Residents must register their guest(s) one day in advance, when possible, with the Director or designee. The host shall be responsible for his/her guest's conduct. Guest privileges shall not extend past two consecutive nights. Under no circumstances will more than three guests be permitted to occupy a residence hall room overnight. Any guest (student or non-student) 21 years and older visiting a resident under 21 is not permitted to bring alcohol into the residence hall. Guests need to be 16 years or older to stay overnight. If under 18, the guest must show written parental consent.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

9.00 Animals

No person shall bring into any building owned or controlled by the College, any animal, with the exception of those animals being used for College authorized research, and approved guide or hearing dogs which have been registered with the University Police Department. Additionally, no person shall bring to the campus grounds an animal that is not restrained by a leash not to exceed five feet in length. Animals which are leashed but unattended shall be considered at large.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

10.00 Littering

No person shall drop, discard, throw, or otherwise dispose of bottles, cans, papers, food, or refuse of any kind in buildings or on the grounds of College property except in receptacles provided for that purpose.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

11.00 Room Changes

Room changes are prohibited unless written authorization has been granted by the Resident Director.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

12.00 Electrical Appliances

Because of the hazards of fire and the limits of the amount of electricity that can be safely used on any given electrical circuit, the Office of Residence Life requests that good judgment is exercised in using electrical appliances in College housing facilities. Televisions and stereo equipment are permitted. Electrical appliances such as sun lamps, clamp-on bed lamps, hot plates, toaster ovens, open element popcorn poppers, woks, air conditioners, crock-pots, electric frying pans, and appliances in need of electrical repair or which may be considered hazardous are specifically prohibited. Refrigerators must be UL approved, cannot exceed five (5) cubic feet in volume, and must require three (3) or less amps of electrical power. Although generally not considered fire hazards, microwave ovens are not permitted in student rooms due to regulations prohibiting cooking in residence hall rooms.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation and possible Restitution for Damages.)

13.00 Antennas

Outside antennas of all kinds in Residence Halls are prohibited. Persons are hereby advised that splicing into or connecting with College-owned cables and antennas is prohibited.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation and possible Restitution for Damages.)

14.00 Candles/Incense

Because of the danger of fire, the use of incense/candles or making of candles or open flames at any time are prohibited in residence hall rooms.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation and possible Restitution for Damages and/or Denial of Campus Residency.)

15.00 Screens

Window screens are to remain in place at all times.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation and Restitution for repairs or replacement.)

16.00 Smoking

Smoking is prohibited in all University buildings, and within a minimum of 50 feet from exterior doors.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

17.00 Visitation

Residents may have visitors of the opposite sex in their residence hall rooms only during officially established visitation hours. Persons using the privilege of visitation may not engage in cohabitation or related activities that contravene State Law.

(Penalty: not less than Warning Probation; not more than Disciplinary Probation.)

18.00 Outside Camping and Temporary Structures

- .01 No person shall be permitted to sleep or spend the night on any property owned or controlled by the College without specific, written authorization from appropriate College officials.
- .02 No person shall erect a tent, lean-to, or other temporary structure with the intent to utilize such for overnight occupancy. Temporary structures may be erected as information centers, public displays, for social, cultural, and recreational activities, etc., which are sponsored by an officially recognized campus organization in compliance with all other applicable policies and regulations. However, they may not be occupied after 6.00 p.m. or before 6.00 a.m., without specific written authorization from the Office of the Vice President for Student Affairs.

(Penalty: not less than Warning Probation; not more than Expulsion.)

19.00 Possession of Drug Paraphernalia

No person shall use, possess, or have under his/her control any drug paraphernalia, including but not limited to, water pipes, bongs, and hypodermic syringes/needles not prescribed to them by a licensed physician. If found, such paraphernalia will be confiscated.

(Penalty: not less than Warning Probation, not more than Suspension.)

20.00 Rollerblading/Roller Skating/Skateboarding

Rollerblading and roller-skating are prohibited inside any building operated by SUNY New Paltz, on any outdoor stairways, in front of any entrance to or exit from buildings on campus, or in campus parking lots while in use. Rollerblading/roller skating/skateboarding may be practiced with care and consideration of pedestrians. Behavior that may cause damage to College property or endanger other persons is prohibited.

(Penalty: not less than Warning Probation, not more than Disciplinary Probation.)

D. General Administrative Policies

1.00 Address

All students are required to report at the beginning of each semester the local address at which they will be living. Changes of address must be promptly reported to the Records Office. Changes of room and hall addresses for residence hall students will be recorded by the Office of Residence Life.

2.00 Financial Obligations

All fees, including those for tuition, room and board, and all loans, fines, maintenance and damage assessments, and other charges, must be paid on time. If all financial obligations are not met on time, administrative sanctions may be imposed including the withholding of transcripts, grades, registration, degree, and diploma.

3.00 Reimbursement for Tuition/Room Rent

- a) A student who is dismissed for academic or disciplinary reasons prior to the end of an academic term shall be liable for all tuition and fees due for that term.
- b) Room rent refunds are generally based upon the percentage of weeks remaining in the semester, as determined by the official check out date. If a student is removed from the Residence Halls by the Director of Residence Life, as a result of a disciplinary action, no refund will be made.

IV. The Judicial Process

Members of the College community will make many decisions regarding their behavior, and it is desired that decisions not conflict with the College's expected standards of behavior. However, when a person violates those standards due to a poor decision, then an appropriate sanction must be imposed by way of a judicial process which guarantees due process with due regard to the person's rights as an individual.

The adjudication process and any resultant action serve to assist the person in recognizing and correcting behavior that is incompatible with the norms of the College community, and hopefully to deter others from making inappropriate decisions. It is unusual when a person's action demonstrates that basic standards of behavior have not been met or that the best interests of the individual and the College cannot be served by the person's continued association with the institution. However, in such instances, the College is obligated to separate the individual from the College community.

The responsibility for adjudicating alleged violations at SUNY New Paltz is delegated by the Board of Trustees and the New Paltz College Council to the President who has delegated it to the Vice President for Student Affairs. It is then delegated to the Dean of Students and members of various judicial bodies. In order to fulfill this responsibility, a judicial process should be designed to meet essential standards of reasonableness and fairness. Therefore,

procedural requirements of due process, as outlined in the following sections, have been established in the effort to ensure that every person receives equitable and judicious treatment if charged with a violation of the Campus Regulations. Judiciaries serve to provide the student charged with a hearing by impartial persons if the accused contests the charge. However, it should be clearly understood that they do not sit as courts of law and are not restricted by the legal rules of evidence and procedure, since they hold Administrative Hearings that allow flexibility and the reasonable use of discretion.

The judicial process described herein governs the implementation of the responsibility for adjudicating alleged violations of Campus Regulations. Alleged violations of administrative policies shall be adjudicated administratively. Staff members from the Office of the Vice President for Student Affairs, which includes Residence Hall Directors, should be consulted if there are questions in regard to the judicial process.

Visitors and guests accused of violating Campus Regulations will be referred to civil authorities, could be subject to immediate removal from campus, and may be subject to arrest and disciplinary action under the Trustees Rules for the Maintenance of Public Order.

Since disciplinary and grievance procedures are contained in the contracts of the bargaining units for faculty and classified service employees those contract procedures take precedence over any other procedures which may be at variance with them.

A. Mediation Services

Persons or groups not charged with a violation, who are involved in a conflict, may submit their dispute to mediation. Mediation is a voluntary, objective, confidential and non-judgmental process whereby both parties in a dispute are encouraged to meet with trained mediators who will assist them in reaching a written agreement to resolve their conflict. Typical disputes appropriate for mediation may include, but are not limited to:

- phone bills, personal property damage, lifestyle issues between roommates/suitemates;
- problems in relationships, minor harassment, etc.

Further information regarding the mediation process may be obtained from the Student Affairs Office or the Office of Residence Life, Capen Hall.

B. Procedures for Handling Violations of Administrative Regulations and/or Campus Rules

1. Student Advocates

Student Advocates are undergraduate interns working under the supervision of the Vice President for Student Affairs or designee in consultation with the Student Association attorney. Student Advocates shall be made available during the regular academic semester to advise and consult with both the accused and the complainant regarding their rights and responsibilities when involved in the campus judicial process, if so desired. The Student Advocate may accompany and assist a student at the Initial Conference, Disciplinary Hearing, and the Appeal process, if so desired. The availability of a Student Advocate is dependent upon the assignment of eligible interns during the Fall and Spring semester only.

2. Complaint Reports

A written report of an incident deemed to be in violation of Administrative Regulations, as defined in Part III, Section C of this document (including College Housing Facilities) or of Campus Rules as defined in Part III, Section B, may be submitted against a student by any member of the College community. The person observing the behavior should

write and submit the report. A report of violation arising in a residence hall should be submitted to the Resident Director of the hall. All other reports of violations should be forwarded to the Dean of Students. The Resident Director (or Dean of Students) shall make a preliminary investigation for the purpose of ascertaining whether the charges may be referred to mediation or disposed of informally. If warranted, initiation of disciplinary charges will proceed as described below.

3. Statement of Victim's Rights

As a victim (recipient) of unwanted or aggressive behavior or violence expressly prohibited under the Campus Regulations of SUNY New Paltz, the judicial process entitles you to the right to pursue disciplinary action, including:

- (a) the right to file a report of the incident that could be used to press charges against the accused. The report can be filed with University Police, a Resident Director, or the Dean of Students. (See *Note below.)
- (b) the right to be present throughout an Initial Conference and/or Disciplinary Hearing conducted for the accused person in response to charges filed by you or by the College on your behalf.
- (c) the right to be accompanied by a support person (other than an attorney) at the hearing held for the accused. This person may be the Student Advocate if so desired.
- (d) the right to an immediate Administrative Hearing with the Director of Residence Life or Dean of Students to discuss modification of on-campus living arrangements, if applicable.
- (e) the right to have all discussion of past history or behavior on the part of the victim limited to that which is relevant to the case.
- (f) the right to provide the hearing body with a statement of the incident and the right to question the accused and all witnesses.
- (g) in cases involving violent and/or sexual assault, the right to know the outcome of the hearing including any sanctions imposed upon the accused. In all cases the right to know if the accused will continue to be enrolled in the College.
- (h) the right to notify proper law enforcement authorities, including campus and local police, and the option to be assisted by campus authorities in notifying these authorities if the student chooses to do so.
- (i) the right to use existing campus and community counseling, mental health, or student services for victims of sexual assault.
- (j) the right to receive options for and available assistance in changing academic and living arrangements precipitated by the offense if requested by the victim and if these changes are reasonably available.

*Note: Those who wish to confidentially discuss an incident, or those who may be undecided about proceeding with criminal or campus disciplinary charges, should contact their Resident Director, University Police, the Dean of Students, a staff member from the Psychological Counseling Center, OASIS, Rape Crisis Center, or your health care provider at the Student Health Center regarding crisis services and options for filing charges. If the decision is not to file a formal complaint at that time, the victim may request that the report simply remain on file in the event that they later decide to pursue the complaint.

4. Notification of Charges

The College official handling the case (Resident Director or Dean of Students) shall develop a written Specification of Charges containing a numbered series of allegations that, either individually or collectively, constitutes one or more violations of Campus or Administrative Regulations. Additionally, these items shall be specific and shall provide probable cause to believe that a violation(s) has been committed.

The accused shall be given written notification that he/she has been charged with violating a provision of the Regulations, including the Specification of Charges, within ten (10) working days from the time the complainant has notified the Office of the Dean of Students of his/her intent to pursue charges.

5. Judicial Hearing Processes

Initial Conference

The Resident Director or Dean of Students shall schedule an Initial Conference with the accused and shall notify the accused, in writing, of the time and place of the meeting which shall be conducted within ten (10) working days from the time of notification. This information shall be included with the Specification of Charges. At the Initial Conference, a student may elect one of the following courses of action:

- (a) if the range of penalties includes Warning Probation, and if the Dean of Students or designee notes that only a warning will be issued, then the student may waive his/her right to a hearing and agree to accept the sanction by signing the Specification of Charges, and the warning shall be issued immediately.
- (b) the accused may sign a statement acknowledging an understanding and acceptance of the charges of violation(s) of College Rules. The case is then adjudicated administratively by the Dean of Students or designee who will take appropriate action including the possible imposition of one or more sanctions. If the accused wishes to demonstrate mitigating circumstances, by producing relevant witnesses or evidence, a postponement of up to 48 hours can be requested.
- (c) the accused may elect not to appear, at which time, all statements contained in the Specification of Charges shall be considered true and accurate and appropriate administrative action shall be taken by the Dean of Students or designee.
- (d) if, during the Initial Conference, in the judgment of the Dean of Students or designee, informal mediation is appropriate or the evidence does not support the allegation, he/she may elect to administratively drop the charges, at which time all records relevant to the case shall be destroyed.
- (e) the accused may deny the alleged violation, in which case the official conducting the Initial Conference shall assign the case as per the following:
 - (1) hearings for alleged violations of Administrative Regulations shall be conducted before an Administrative Officer of the College. An appropriate Administrative Hearing Officer would be a Resident Director, the Director or Assistant Director of Residence Life, or other College official who has been trained to conduct Disciplinary Hearings. The official conducting the Initial Conference could also conduct the Administrative Hearing, if agreed to by accused.
 - (2) hearings for alleged violations of Campus Regulations shall be referred to the judicial body having jurisdiction (see Section D.) If, however, the judicial body having jurisdiction cannot convene (College is not in session, between semesters, or when the end of the semester precludes conformance to the established procedures) the Dean of Students or designee will arrange for a hearing by an Administrative Officer. At least 48 hours prior to a hearing by a judiciary, the accused shall receive written notification of the time and place of the hearing.

The Dean of Students may, in appropriate cases, grant additional time to the accused to

prepare a defense.

C. Immediate Administrative Action

When in the judgment of the Dean of Students (or Director of Residence Life in consultation with the Dean of Students or Vice President for Student Affairs) the continued presence of an accused person at the College would present an immediate danger to the fulfillment of the educational mission of the College or to the life, health, welfare, or property of any member(s) of the College community, the accused person may be sanctioned with immediate denial of campus residency and/or immediate suspension from the College pending the final outcome of an Initial Conference, or judicial hearing. In doing this, the accused will be provided with a Specification of Charges and the terms of the immediate sanction. Within three (3) days from receiving notice of immediate sanctions, the accused may request an Administrative Hearing within five (5) working days with the Vice President for Student Affairs relative to the immediacy of the sanction.

D. Adjudication by Judiciaries

1. Rights of Persons Subject to Disciplinary Hearings

- (a) The accused shall be entitled to a hearing.
- (b) The accused may appear at the hearing during the presentation of the case on which a decision may be made. Should the accused elect not to appear, all statements contained in the Specification of Charges shall be considered true and accurate.
- (c) The accused shall be entitled to present his/her case through statements, questions, witnesses and other forms of evidence.
- (d) The accused shall be entitled to be accompanied by an advisor of his/her choice who shall be a member of the faculty, staff, or student body of the College. This advisor may also be the Student Advocate if so desired.
- (e) The accused may refuse to answer questions. Witnesses shall be required to answer all questions asked of them unless their answers would tend to incriminate them under any provisions of the Campus Regulations.
- (f) The decision of the judicial body shall be made only on the basis of matters presented at the hearing.
- (g) The College will make a record of the events of the hearing that will be retained in its custody. The accused may request, in writing, a copy of the written transcript. A transcription fee will be assessed.
- (h) The accused shall be provided the Specification of Charges as acted upon as written notice of the results and findings of the hearing and to an explanation of the decisions rendered against him/her within ten (10) working days.
- (i) Included in the written notice of the results of the hearing, a person found guilty will be notified of his/her right to appeal the decisions of the judicial body. Should he/she appeal, any action based on such decisions shall be suspended until acted upon through the appellate process except as provided for in Part IV, Section C of this document.

- (j) All Disciplinary Hearings are closed to the public.

2. Rules of Procedure

The following rules of procedure are established for use by all judicial bodies. In the absence of established judiciaries, the Dean of Students or designated Administrative Officer shall hear cases normally referred to judiciaries.

- (a) **Quorum:** The judicial body must achieve a quorum before the case may be adjudicated; provided, however, that the accused shall have the right to waive the quorum required. If there is not a quorum and the requirement is not waived, then the hearing must be rescheduled.
- (b) **Voting:** A simple majority vote of those judiciary members present at any hearing shall be necessary and sufficient for any action.
- (c) **College Personnel:** A member of the Student Affairs staff shall be present at the hearing as a procedural advisor to the judicial body. The advisor shall not participate in the fact-finding portion of the hearing except to ensure that established procedures are followed and to ask the chairperson to rule on the relevancy of any line of questioning. The advisor may contribute pertinent information in the penalty assessment stage which may include past violations of the Campus Regulations. The advisor may also be interviewed by the judiciary in assessing a penalty or selecting a special condition.
- (d) **Witnesses:** Witnesses shall be kept in a room separate from the room in which the hearing is being held and shall be called to testify one at a time.
- (e) **The Chairperson of the Judiciary:** The chairperson shall have the authority to:
 - (1) direct the hearing,
 - (2) call recesses,
 - (3) postpone hearings,
 - (4) take appropriate steps to maintain order,
 - (5) decide questions on the relevance of evidence or testimony,
 - (6) recall witnesses or call such further witnesses as would seem able to aid in the resolution of matters germane to the hearing,
 - (7) monitor the presentation of questions to witnesses by members of the judicial body, and
 - (8) ensure that established procedures are followed.
- (f) **The Judicial Body:** The judicial body shall then seclude themselves and confer as to each item of Specification of Charges, and they shall decide as a body whether each item of the Specification of Charges has been established by clear and convincing evidence. The truth or falsehood of each factual allegation appearing on the Specification of Charges shall be termed a “question of fact” for the purposes of the judicial process.
- (g) **Sanction:** After acting upon the Specification of Charges as provided in the foregoing subsection, the judicial body shall then consider whether those items of the Specification of Charges which have received an affirmative decision are sufficient to constitute any of the violations charged. If they shall find the items affirmed are sufficient to constitute any violation, then they shall recommend a sanction within the range of penalties provided by the Campus Regulations for each violation found. The judicial body will review the accused’s disciplinary record in selecting an appropriate

sanction. Repeated or aggravated offenses may require more severe sanctions than those listed in the Campus Regulations.

- (h) **Chairperson:** The chairperson shall furnish a copy of the Specification of Charges, as acted upon, to the Dean of Students or designee. Within 10 working days of the hearing, the Dean of Students will then send written notification of the decision to the accused.

3. The Judicial Structure

(a) The Campus Hearing Committee

- (1) Membership: The Campus Hearing Committee will be appointed by the President as follows:
 - a. Three (3) permanent members and two (2) alternates from the faculty/staff recommended by the Vice President for Academic Affairs and the Dean of Students.
 - b. Three (3) permanent members and two (2) alternates from the President of the Student Association through the Vice President for Student Affairs. Eligible students must be matriculated undergraduate or graduate students with 2.00 or better cumulative average and no judicial sanction(s) within the past year.
 - c. Three (3) members and/or alternates, one of which must be a student and one which must be a faculty/staff member must be present to constitute a quorum.
- (2) Jurisdiction: The Campus Hearing Committee shall have original jurisdiction over cases involving alleged violations of Campus Regulations as follows:
 - a. alleged violations that occur outside of the Residence Halls for which a plea of not guilty was rendered at the Initial Conference.
 - b. alleged violations that occur within the Residence Halls for which a plea of not guilty was rendered at the Initial Conference and for which, if found guilty, the possible and/or probable range of penalties includes Suspension or Expulsion.
- (3) Sanctions: The Campus Hearing Committee may recommend sanctions from Warning Probation through Suspension. The judiciary may also recommend appropriate disciplinary conditions. Additionally, the judiciary may recommend the sanction of Expulsion to the President of the College, who, after reviewing the case may impose the recommended sanction or may direct the judiciary to impose a lesser penalty.

(b) Trustees Hearing Committee

The Trustees Hearing Committee on Campus Disorder is established by paragraph 535.9 (g) of the Rules of the Board of Trustees of the State University of New York that pertain to the maintenance of public order. It consists of three (3) faculty members and three (3) administrators appointed by the Chief Administrative Officer, and three (3) students appointed by those faculty and administrators. A quorum of five (5) members of the Committee can conduct hearings and make findings and recommendations.

Within twenty (20) days after the close of a hearing, the Hearing Committee shall submit a report of its findings of fact, and recommendations for disposition of the charges, to the President, together with a transcript of the proceedings. The accused or their representative shall also receive a copy of the Committee Report within twenty (20) days. Within ten (10) days thereafter, the President shall make a determination to dismiss the finding of the Committee or uphold the Committee

recommendation and determine disciplinary actions.

E. Appeals

1. Procedure for Appeals

- (a) Within three (3) working days from the time an accused person receives notice of the findings and sanctions imposed as a result of an Administrative Hearing or a hearing conducted by the Campus Hearing Committee, the accused may exercise his/her right to submit a written letter of appeal to the Associate Vice President for Student Affairs. If just cause is demonstrated to exist, then a new hearing will be conducted as indicated in 2(a) or (b) below.
- (b) In appropriate cases, the Associate Vice President for Student Affairs may delegate the authority to review and hear appeals to another Administrative Officer of the College.

2. Grounds for Appeals

An appeal must be in writing and its scope, as identified by the appellant, shall be limited to the following:

- (a) **Questions of Fact:** An appellant may appeal on "questions of fact" by introducing new evidence that would significantly effect the outcome of the case. Evidence that was known to the appellant at the time of the original hearing but was withheld shall not constitute a question of fact nor is it to be considered upon appeal.
- (b) **Questions of Procedure:** Appeals will be considered on the basis of "questions of procedure" by demonstrating that procedural guidelines established in this document were breached and that such departure from established procedure significantly affected the outcome of the case.

F. Sanctions

1. Execution of Sanctions

No sanction shall be executed until: (a) at least three (3) working days from the time the accused has received written notice of the decision, (as described in Part IV, Section D, 1, (i)); (b) immediately after the Associate Vice President for Student Affairs or the Dean of Students act upon an appeal; or (c) if an immediate sanction is imposed for reasons of safety and welfare of the College community as provided for in Part IV, Section C of this document.

2. Types of Sanctions

- (a) **Warning Probation:** Warning Probation is a temporary status for a specific period of time not to exceed four (4) months during which further violations of Campus Regulations will result in the imposition of more severe sanctions. In addition, Warning Probation may include special conditions as noted in (1) - (10), below.
- (b) **Disciplinary Probation:** Disciplinary Probation is a temporary status for a specific period of time not to exceed one (1) year during which further violations of the Campus Regulations may result in Suspension or Expulsion. In addition, Disciplinary Probation may include special conditions that are deemed relevant and appropriate to the particular offense. These conditions include, by way of example, but not by way of limitation:

- (1) restriction from representing the College in extracurricular activities, varsity sports, or running for or holding office in a student group or organization, as specified by the

Judicial Officer.

- (2) withdrawal of the privilege of operating a motor vehicle on-campus.
 - (3) withdrawal of the privilege of possessing or using sound amplifying equipment in the Residence Halls.
 - (4) requiring Financial Restitution for labor, damage, or other material loss to the institution or member(s) of the College community.
 - (5) cancellation of visitation privileges.
 - (6) service or work assignments.
 - (7) relocation of on-campus residence.
 - (8) restriction from specific campus buildings, areas, or facilities.
- (c) **Denial of Campus Residency (Held in Abeyance):** Denial of Campus Residency, Held in Abeyance, may be for a specific period of time or for an indefinite period of time as deemed appropriate by the judicial body. A person who has been denied campus residency, held in abeyance, may be permitted to reside on campus provided that there be no further violations of College policy. Further violations of College policy will result in the immediate imposition of this condition without further disciplinary proceedings.
- (d) **Denial of Campus Residency:** Denial of Campus Residency may be for a specific period of time or an indefinite period of time as is deemed appropriate by the judicial body. A person who has been denied campus residency must vacate his/her room within 24 hours of the time the sanction is executed. Persons denied campus residency are prohibited from entering all Residence Halls. Any person violating this provision will be subject to arrest, possible fine and/or incarceration for trespassing. Additionally, other special conditions as described above may be imposed.
- (e) **Suspension (Held in Abeyance):** Suspension, Held in Abeyance, may be for a specific period of time up to a maximum of one year. A person who has been Suspended, Held in Abeyance, may be permitted to attend classes provided that there be no further violations of College policy. Further violations of College policy will result in the immediate imposition of the sanction of Suspension without further disciplinary proceedings. Suspension, Held in Abeyance, may include Special Conditions.
- (f) **Suspension:** A decision of Suspension terminates the person's status as an enrolled student for a specific period of time up to a maximum of one year and prohibits the person from attending classes. A suspended student may not enter any part of the campus without specific authorization from the Dean of Students or designee. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice that the penalty of Suspension has been executed.
- (g) **Expulsion:** A decision of Expulsion terminates the person's status as an enrolled student for an indefinite period of time. An expelled person may not enter onto any part of the campus without specific authorization from the Dean of Students or designee. Persons who reside on-campus shall remove their belongings from their place of residence within 24 hours of notice that the penalty of Expulsion has been executed. Readmission and the conditions for readmission, if any, shall depend upon an evaluation by the Vice President for Student Affairs following an application for readmission by the student. Such requests for readmission will not be considered prior to one year following the date of Expulsion.
- (h) **Sanctions Against Faculty or Staff Members:** A finding of violation of any portion of these regulations by a faculty or staff member shall be referred to the Supervisor

and the President. The President or his/her designee may then institute disciplinary action pursuant to the procedures established by the applicable collective bargaining agreement.

- (i) **Sanctions Against Visitors or Guests:** Sanctions against visitors or guests found guilty of violation of the Trustees Rules for the Maintenance of Public Order may include barring them entirely from the campus, limiting their activities, and/or restitution to the College for any damage which they caused.

G. Other Administrative Action

1. Administrative Relocations

- (a) If a resident student fails to comply with the special conditions set forth in the Residence Hall License (i.e., agreement to adhere to special contract hall regulations), they may be subject to relocation on campus. Such administrative action is not subject to the judicial appeals process, but shall involve consultation with the student.
- (b) If a resident student fails to comply with the reasonable request of a College official concerning medical or mental health issues, they may be subject to possible relocation on campus. Such administrative action is not subject to the judicial appeals process, but shall involve consultation with the student.

2. Administrative and Medical Withdrawals

The College maintains a Health Center and a Counseling Center to serve the medical and psychological needs of students. Students whose needs are beyond the resources of these Centers will be referred to off-campus facilities whenever possible. However, students who cannot adequately be helped by the available facilities and whose behavior renders them unable to function in College without harming themselves, others, or disruption of the College community, may be required to leave the College. The Vice President for Student Affairs or Dean of Students will advise the President who will authorize such action after following the procedure described below:

Procedure:

- (a) Any College staff member who encounters a student displaying serious disruptive behavior beyond the ability of the staff member to handle, shall refer such students to the Health Center or the Counseling Center. The staff member may also inform the Office of the Vice President for Student Affairs of the referral. (Referral means suggesting to the student that he/she visit the appropriate Center, and might include a call to the Center to provide background information.)
- (b) When in the opinion of a professional member of the Counseling or Health Center staff a student is unable to be adequately helped by the Center or by other available facilities, and his/her condition renders him/her unable to function in College without harming himself/herself, others, or the College community, the staff member should notify the Vice President for Student Affairs or designee of the situation as soon as possible.
- (c) When the Vice President for Student Affairs receives notification under either (a) or (b), described above, the Vice President for Student Affairs or his/her designee will seek other such professional opinion as is appropriate, and will confer with the student. If the Vice President for Student Affairs concurs with the opinion that the student should leave the College, the Vice President for Student Affairs or his/her designee may consult with the student's parent, spouse, or other close relative. If the

student (or his/her parent, spouse, or other close relative acting on the student's behalf) declines to withdraw from College, the Vice President for Student Affairs may authorize the withdrawal.

H. Records

1. Disciplinary Records

A record of all actions by Administrative Hearing Officers and Judicial Hearing Boards are to be compiled and transferred under confidential cover to the Dean of Students in the Office of the Vice President for Student Affairs.

2. File Maintenance

Disciplinary records will be retained in the Office of the Vice President for Student Affairs for seven (7) years.

3. Confidentiality

Student disciplinary records, except as hereinafter provided, will be confidential except to authorized College and University personnel engaged in authorized functions regarding examination of these records. Records will be released to an outside agency only through a signed release from the student or a court subpoena.

4. Authorized Personnel

Authorized College/University personnel shall be deemed to include College officials (faculty and staff) with responsibilities governing student conduct, judicial hearing board members, judicial appeals officers, and any others authorized in writing by the President or the Vice President for Student Affairs.

5. Academic Transcript Notation Policy

Students who are Suspended or Expelled for the following serious violations of the Campus Regulations – Rape, Sexual Abuse, Hazing, Physical Abuse, and Distribution of Controlled Substances – will have their judicial sanction permanently noted on their academic transcript.

A student who has been Suspended or Expelled from the College may petition the Vice President for Student Affairs to have the transcript documentation removed after five years, or sooner, at the discretion of the Vice President for Student Affairs. It is the student's responsibility to provide compelling evidence that supports the petition, as well as to provide documentation of their activities (work, education, etc.) since their exit from New Paltz.

6. Readmission to College Following Involuntary Separation

Students who are Expelled, Suspended or separated from the College through Administrative or Medical Withdrawal procedures, will be prohibited from receiving clearance for readmission or re-enrollment until the specific penalty or required remedial action has been carried out according to the student's notice of disciplinary or administrative action.

V. Campus Safety and Security

A. Bias Crimes Prevention

It is a State University of New York at New Paltz Police mandate to protect all members of the New Paltz community by preventing and prosecuting bias or hate crimes that occur within the campus' jurisdiction.

In addition to preventing and prosecuting hate/bias crimes, State University of New York at New Paltz 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 acts of bigotry, harassment, or intimidation directed at a member or group within the New Paltz 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 as well as the Office of Human Resources/Affirmative Action. For further information on bias crime prevention and the law, see Student Handbook at www.newpaltz.edu/studentaffairs/regulations.html.

B. Campus Safety Act

According to Chapter 22 of the Laws of 1999, Colleges and universities in New York State are required to enter into written agreements with local law enforcement agencies to implement plans for the investigation of missing persons and violent felony offenses on campus. The response procedures are available upon request from the University Police Office.

C. Campus Safety Committee

The Education Law, Section 6450 requires that each campus have a personal safety committee composed of faculty, staff, and students. The purpose of this committee is to review campus safety issues, present related recommendations to the Campus President, and file an annual report. Copies of the annual report are available upon request from the Office of Student Affairs.

D. Sexual Assault Prevention

The State University of New York at New Paltz has a program in place to protect all members of the New Paltz community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of SUNY New Paltz Police. For further information of sexual assault prevention and the law, see Student Handbook at www.newpaltz.edu/studentaffairs/regulations.html.

E. Student Right to Know and Campus Security Act: Title II Crime Awareness and Campus Security Act of 1990

Copies of the SUNY New Paltz campus crime statistics as reported annually to the U.S. Department of Education are available upon request from the University Police Office or at www.newpaltz.edu/police. Information can also be obtained from the U.S. Department of Education Web site at: <http://ope/ed.gov/security/>.

Information Regarding Bias and Hate Crimes Prevention



Office of Student Affairs

Hate Crimes and the Law

It is a State University of New York at New Paltz Police mandate to protect all members of the New Paltz 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 race, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available from the Office of University Police.

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 conviction of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, State University of New York at New Paltz 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 acts of bigotry, harassment, or intimidation directed at a member or group within the New Paltz 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 as well as to the Office of Student Affairs and/or Human Resources/Affirmative Action.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by calling 911 in an emergency, using a Blue Light or other campus emergency telephone, call 257-2222, or stopping by the Office of University Police. University Police will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents can avail themselves of counseling and support services from the campus Psychological Counseling Center (PCC) and the peer crisis intervention center, HAVEN. The PCC provides New Paltz students with psychological support, assessment, advocacy, referral and individual therapy focused on counseling issues specific to bias-related crime survivors. Group Therapy is also available for bias crime survivors. HAVEN provides anonymous hotline and walk-in crisis intervention support, information and referral for bias-related crime victims. Both confidential agencies provide easy access for victims through liaison/referral relationships with front line campus services, such as University Police, the Dean of Students and Residence Life. The PCC is involved with countywide crime victim's services, which include crime victim's advocacy and hospital emergency liaison. Immediacy of access to the PCC is insured by a 24-hour on-call emergency system. The PCC is located central to the Residence Halls in the Student Health and Counseling Building, 845/ 257-2920, www.newpaltz.edu/counseling and the HAVEN center is located in Deyo Residence Hall, Room G 13-C, 845/ 257-4930, hours are 8:00 PM to 1:00 AM. For, 24-hour beeper, call 845/ 879-0068. HAVEN is open during the fall and spring semesters only.

For general information on SUNY New Paltz security procedures, you can view the Web site for University Police at www.newpaltz.edu/police or call them at (845) 257-2222. More information about bias-related and bias crimes, including up-to-date statistics on bias crimes, is available at www.newpaltz.edu/police/securityact.

Institutional Response to the Use of Illicit Drugs & Alcohol



**Office of Student Affairs
&
President's Commission on Substance Abuse**

A Message from the College President

Dear Faculty, Staff and Students:

Colleges and universities have a special responsibility to ensure that students understand the dangers of substance abuse and are equipped with the knowledge and ability to establish healthful and productive living patterns. In this regard, the College remains firm in its resolve to provide a model environment within which such a development can occur and an atmosphere that is free of the abusive use of alcohol and other drugs. SUNY New Paltz has received three national awards for exemplary prevention programs and continues to be one of the leaders in this area.

This document has been created pursuant to the requirements of the Federal Drug Free Schools and Communities Act of 1989 and is intended to apprise the campus of:

- 1) policies of the College which specify standards of conduct to which all members of the campus community must comply relative to the use and possession of illicit drugs and alcohol;*
- 2) specific information regarding the medical and legal risks of alcohol and other drug use, and*
- 3) counseling and educational resources and treatment programs available to faculty, staff and students.*

I encourage the campus community to review the contents of this document carefully and to remain vigilant in its collective determination to work, teach, learn and live in a healthy academic community.

Sincerely,



Steven G. Poskanzer

President

I. Philosophy

In keeping with its institutional mission, the State University of New York at New Paltz seeks to provide an environment that is conducive to the pursuit and dissemination of knowledge and fosters the social, cultural and intellectual maturation of students. In so doing, New Paltz strives to maintain a campus community that reinforces acceptable standards of society.

Responsibility for the preservation of a quality academic environment rests with the faculty, staff and students alike. High standards of conduct exist throughout the academy, pertaining to academic performance, scholarship, social conduct, professionalism, and personal integrity. Each person is obligated to adhere to these standards upon entrance into the academic community and the use of illicit drugs and abusive use of alcohol is impermissible. Thus New Paltz herein reaffirms its commitment to achieving a drug free campus and to the maintenance of an environment free from abusive use of alcohol.

New Paltz shall seek to fulfill this commitment first and foremost through educational means. However, the illegal and abusive use of alcohol and other drugs by any member of the campus community constitutes an untenable threat to the environment and will result in the imposition of disciplinary sanctions and possible criminal prosecution. Individuals who have a problem with alcohol or drug abuse are encouraged to voluntarily seek assistance. New Paltz provides information to individuals concerning counseling, treatment, and rehabilitation.

II. Drug & Alcohol Policy

Congress has passed and the President has signed the Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act of 1989. The following is the Drug and Alcohol Policy for employees and students at the State University of New York at New Paltz.

A. Employees

New York State prohibits on-the-job use or impairment from alcohol and controlled substances. An employee may be required to undergo medical testing if a supervisor has a reasonable suspicion that he or she is unable to perform job duties due to a disability that may be caused by the use of drugs or alcohol.

If the cause of the disability is found to be drug or alcohol related, the personnel or employee relations officer in conjunction with the employee's supervisor, may refer the employee to voluntary and confidential participation in the statewide Employee Assistance Program. Other available options include pursuing disciplinary leave procedures or disciplinary measures.

Violations of the State policy on alcohol and substance abuse in the workplace may be the subject of disciplinary action pursuant to Section 75 of the Civil Service Law or the Disciplinary Articles of collectively negotiated agreements.

The term "controlled substances" as used herein refers to the hundreds of chemicals listed by the federal government in the Controlled Substances Act.

- The unlawful use, possession, dispensation, manufacture or distribution of controlled substances in all New Paltz work locations is prohibited.
- Employees who unlawfully use, possess, dispense, manufacture or distribute controlled substances will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.

- Employees must notify the New Paltz Office of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace, or at a work site, no later than five (5) working days after such conviction.

B. Students

Regulations concerning substances are contained in Section 11.00 of the Campus Regulations and Judicial Procedures. The State University of New York at New Paltz has promulgated and enforces the following policies:

1. No Second Chance Policy

This policy states that the minimum sanction generally imposed for violations of the policy on controlled substances is Expulsion (permanent separation) from New Paltz, and, where appropriate, the imposition of criminal charges.

- No person shall use, possess, manufacture, or have under his/her control any narcotic, illegal or dangerous drug, or controlled substance not prescribed to them by a licensed physician, including but not limited to, cocaine and its derivatives, heroine, opiates, barbiturates, amphetamines, organic or synthetic, depressants, stimulants and hallucinogens; marijuana and its derivatives, including hash and hash oil, plants, seeds, resins, etc., or any other substance specifically prohibited or controlled by Federal or State law.

(Penalties: for possession of marijuana, 1st offense: not less than Disciplinary Probation and educational and/or clinical intervention and parental notification if applicable, not more than Expulsion. Possession of marijuana, 2nd offense: not less than Expulsion. Possession of all other controlled substances: not less than Expulsion. Persons in possession of a controlled substance may be arrested and charged under the New York State penal code, and be subjected to fines and/or imprisonment.)

- No person shall sell, offer for sale, give away or otherwise attempt to distribute any narcotic or dangerous illegal drug or controlled substance, as described above, including by specific reference, marijuana and its derivatives.

(Penalty: not less than Expulsion, and where possible, the imposition of criminal charges.)

2. Beverage Alcohol Policy

No person shall possess, sell, or give away alcoholic beverages without proper authorization. (See policy on "Use of Campus Grounds" and "Alcohol" under Related Documents). Alcoholic beverages are permitted in student rooms within the residence halls, provided, however, that no person under the age of 21 may possess alcoholic beverages with the intent to consume such beverage.

- Persons 21 or older may possess alcoholic beverages in moderate amounts in their individual residence hall room or suite with the following limitations:
 - no person shall sell, deliver, or give away any alcoholic beverage to:
 - any person under the age of 21
 - any person who may be considered intoxicated
- Any guest (student or non-student) 21 years of age and older, who is visiting a resident under the age of 21 is not permitted to bring alcohol into the halls.
- Open containers may not be possessed by any person outside of the student's room, or elsewhere on campus unless legally authorized in accordance with College policy, local ordinances, and State law. Kegs and beer balls are not permitted in the residence halls. Unauthorized kegs and beer balls will be confiscated.

The College holds persons responsible for their behavior at all times, including while under the influence of alcohol.

(Penalty: not less than Disciplinary Warning; not more than Suspension and parental notification if applicable.)

Violators have been given sanctions ranging from disciplinary warning to disciplinary probation and denial of campus residency. Violators are subject to arrest and prosecution in Town Court.

III. Federal & State Penalties for Drug Possession and Sale

A. Types of Drugs

Schedule I:

Heroin, LSD, Mescaline, Psilocybin, other Hallucinogens, PCP, Quaalude, and MDA.

Schedule II:

Morphine, Demerol, Codeine, Percodan, Fentanyl, Dilaudid, Seconal, Nembutal, Cocaine, Amphetamines and other opium and opium extracts and narcotics.

Schedule III:

Certain barbiturates such as amobarbital and codeine containing medicines such as Fiorinal #3, Doriden, and codeine-based cough suppressants and all anabolic steroids.

Schedule IV:

Barbiturates, narcotics and stimulants including Valium, Talwin, Librium, Equanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets).

Schedule V:

Compounds that contain very limited amounts of codeine, dihydro-codeine, ethylmorphine, opium, and atromine (Robitussin AC).

Schedule VI:

Marijuana, Hashish, Hash Oil, Tetrahydrocannabinol.

B. Federal

The Federal Controlled Substances Act provides penalties up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession with intent to distribute narcotics. For unlawful possession of a controlled substance, a person is subject to one year of imprisonment and fines of up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under 21 years of age may be punished by up to twice the term of imprisonment and fine otherwise authorized by law.

Federal trafficking penalties for Schedule I&II drugs range from a minimum of 5 years to a maximum of life in prison. Penalties for trafficking Schedule III & IV drugs range from 3 to 5 years in prison and a fine of \$25,000. Federal penalties for trafficking marijuana range from 5 to 10 years of imprisonment and up to a \$5 million dollar fine.

C. New York State

The State of New York has established severe sanctions for the possession, use, and sale of controlled substances that are consistent with Federal penalties established for such. The specific criminal sanctions are delineated in the New York State Penal Law. The severity of the offense depends on the type and quantity of the illegal substance, as well as the holders intent (personal use, distribution or sale. For example, in New York State, the criminal possession of four or more ounces of cocaine is a class A-1 felony, punishable by a minimum of 15-25 years and a maximum of life in prison. Unlawful possession of marijuana (section 221.05 NYS Penal Law) is a violation, resulting in a fine of not more that \$200 for the first offense. Additional violations result in larger fines and the imposition of misdemeanor criminal charges, which include the establishment of a permanent criminal record.

D. New York State Laws Regarding Alcohol Violations (not inclusive)

Violation & Penalties

- **Driving While Ability Impaired (BAC up to .08)**
\$300 minimum fine, \$500 maximum fine, up to 15 days in jail and 90 day revocation of license for first offense.
- **Driving While Intoxicated (DWI) (BAC of .08 or more)**
\$500 minimum fine, \$1000 maximum fine, up to one year in jail and min. 6 month license revocation.
- **Felony Driving While Intoxicated (second DWI conviction in 10 years)**
\$1000 minimum fine, \$5000 maximum fine, up to 4 years in jail and min. of one year license revocation.
- **Furnishing Alcohol to persons under the age of 21**
\$1000 fine, 1 year in jail and/or 3 years probation.
- **Possession by persons under the age of 21**
\$50 fine per offense.
- **Use of false ID for alcohol purchase**
\$200 fine, 5 days in jail.

Attention Drivers Under 21

Sale of alcoholic beverages to anyone under 21 years of age is illegal in New York State and “zero tolerance” means that drinking and driving by young people will not be tolerated on our highways, even if the amount of alcohol consumed is very small. The new law took effect November 1, 1996.

E. What is Zero Tolerance?

The Zero Tolerance Law makes it illegal for a person under age 21 to operate a vehicle after consuming any alcohol, which the law defines as having a blood alcohol concentration (BAC) of between .02 and .07. Higher BAC levels may result in charges of driving while ability impaired (DWAI) or driving while intoxicated (DWI).

How is Zero Tolerance Different than Other DWI Laws?

Violation of the Zero Tolerance Law is not a criminal conviction. If a police officer has grounds to believe a young driver has consumed alcohol (such as the presence of an open beverage container in the car), the officer may detain the driver for the purpose of requesting or administering an alcohol chemical test (for example, a breathalyzer). A driver who is found to have a BAC of .02 to .07 is notified to appear at a DMV hearing. A driver who refuses to take a BAC chemical test will be notified to attend at DMV hearing for refusing to take a chemical test.

What are the Penalties?

- The penalties for a Zero Tolerance violation are: a 6-month license suspension, a \$125 civil penalty and a \$100 suspension termination fee.
- A subsequent offense results in: a license revocation for at least 1 year or until age 21, whichever is longer, a \$125 civil penalty and \$100 license re-application fee.
- The penalties for a Zero Tolerance violation chemical test refusal are: license revocation for at least 1 year, a \$300 civil penalty and a \$50 license re-application fee.
- For a subsequent finding for a chemical test refusal, the penalties are: a license revocation for at least 1 year, a \$750 civil penalty and a \$50 license re-application fee.

How Long Does a Zero Tolerance Finding Remain on the Driver's Record?

It's on the driver's record for 3 years or until the driver reaches 21 years of age, whichever is longer. DWI and DWAI convictions remain on the driver's record for 10 years.

Can a Person Who Violates This Law Receive a Conditional License?

Zero Tolerance violators may be eligible for the Drinking Driver Program and can be granted a conditional license if they meet program eligibility requirements.

IV. Health Risks

The use of illegal drugs, tobacco and the abuse of alcohol may have serious health consequences, including damage to the heart, lungs and other organs. Alcohol-related accidents are the number one cause of death for persons aged 15-24. The most significant health risk, besides death, is addiction. Chemical dependency is a disease that, if not arrested, is fatal. No addict (including alcoholics and smokers) ever thought he/she would become addicted.

- The use of cocaine or amphetamines greatly increases the risk of a heart attack.
- Stimulants ("uppers", speed, crack, methyl, crystal) may cause permanent damage to the brain, heart, lungs, and other organs from long-term use.
- Medical consequences of alcohol abuse include liver damage and disease, gastrointestinal problems and brain damage, as well as causing injury to the fetus during pregnancy.
- Abuse of alcohol and marijuana during puberty can result in an imbalance of sex hormones resulting in reduced muscle mass and shrinkage of testicles in males and menstrual difficulties and infertility in females.
- Inhalants ("poppers", rush, laughing gas, glue, paint thinner) may cause mental confusion, mood swings, delusions and hallucinations.

- The risk of breast cancer is increased by 30% among women who consume as few as three alcoholic drinks per day.
- Depressants (“downers”, ludes, reds, 714s, barbs) greatly increase the risk of car crashes because they affect vision, judgment, coordination and physical skills.
- The use of hallucinogens, especially PCP, can result in an irreversible drug-induced psychotic state and/or delusions that may trigger life-threatening behavior.
- Users of heroin and other opiates risk HIV infection/AIDS from sharing needles.
- In cases of rape, 75% of the men and 55% of the women involved had been using alcohol or other drugs.

V. About Alcohol

O-1-3 Means It’s Okay Not to Drink

For those who choose to use, it’s risky to set limits based on how a person is feeling while drinking. Alcohol is a drug and drinks should be carefully counted by people who choose to use.

VI. Resources: Where to go for Information & Assistance

A. On Campus

Psychological Counseling Center
Student Health & Counseling Center
(round building across from Gage Hall)
257-2920 www.newpaltz.edu/counseling

- Individual counseling
- Group counseling
- Referrals to agencies & practitioners

OASIS Crisis and Non-Crisis Hotline

Deyo Hall, Room G13C, 8:00 PM to 1:00 AM, (closed during breaks), 257-4945
(OASIS is a subsidiary of the Psychological Counseling Center)

- Peer walk-in and hotline services

Student Health Services

Student Health & Counseling Center
(round building across from Gage Hall)
257-3400 www.newpaltz.edu/healthcenter

- Medical evaluation and treatment
- Physician counseling and general information

Employee Assistance Program

OMB 224 257-2886

- Confidential referral services for all College employees

Student Association Attorney

SUB 422 257-3082

- Free consultation for students

Center for Student Development

SUB 301 257-3088

- Alcohol, Tobacco and Other Drug Research and Educational Programming
- Promotion of wellness and healthy lifestyle choices

B. Off-Campus

Ulster County Mental Health Services

560 Rt. 299, Highland, NY 883-9747

- Individual and Group Counseling
- Crisis Services
- Mandatory DWI treatment program

Mental Health Association in Ulster County

Kingston, NY 336-4747

- Provides information and referral to support groups and private practitioners

Family of New Paltz

51 N. Chestnut Street, New Paltz, NY 255-8801

- Hotline and crisis intervention services
- Referrals to appropriate agencies
- Advocacy

Ulster County STOP DWI

Kingston, NY 340-3448

- Victim Impact Panels
- TIPS Training and other services

C. Numbers to Call

A.A. (Alcoholics Anonymous)
Ulster 331-6360
Dutchess 452-1111

AL-ANON (Significant Others)
339-5116

National Helpline for Substance Abuse and Referral Services
1-800-262-2463

N.A. (Narcotics Anonymous)
431-9011

NYS AIDS Hotline
1-800-541-AIDS (2437)
en español 1-800-233-2437

NYS AIDS Counseling & Testing
(free and anonymous) 1-800-828-0064

NYS Alcohol and Substance Abuse
Hotline 1-800-522-5353

National Clearinghouse for Alcohol and Drug Info
1-800-SAY-NO-TO (729-6686)
en español 1-877-767-8432

National Alcohol and Drug Addiction Recovery Info
Referral Services 1-800-662-HELP (4375)

Poison Control Info
1-800-222-1222

Information Regarding Sexual Assault & Harassment



Office of Student Affairs

New Paltz Campus Regulations Regarding:

- Rape
- Sexual Abuse
- Sexual Harassment
- New York State Penal Code
- Resources and Reporting Procedures

I. Introduction

American society has become increasingly aware of issues of personal safety in the college community. College campuses, as part of the greater social environment, are not immune to incidents of rape, sexual abuse and sexual harassment. In a recent survey of over 6,000 students from 32 colleges across the country, one out of every six female students reported being a victim of rape or attempted rape during the preceding year. One out of every fifteen male students in the survey reported committing rape or attempting to commit rape during that same period. The FBI estimates that 10% of all sexual assault victims are male. Thus, it is evident that rape and other forms of sexual assault pose a major threat to college students. One of the most tragic outcomes of sexual assault on campus is that most victims do not seek the help they need from family, friends, or authorities. (Sexual Assault on Campus: What Colleges Can Do, 1988.)

SUNY New Paltz has designed this document to provide the college community with information regarding Rape, Sexual Abuse and Sexual Harassment. Included are our policies regarding reporting procedures and support services available for victims. Interpersonal violence can happen to anyone regardless of race, sex, age, socioeconomic status, or the length of time that the individuals have known each other. Incidents which have occurred on this campus range in intensity from verbal abuse and threats, to physical assaults with serious injury. Alcohol and other substances are known contributors to episodes of this type of behavior, as is unfamiliarity with knowledge that may protect you from becoming a victim or a perpetrator.

Therefore, this information is provided to you to assist in the prevention of Rape, Sexual Abuse and Sexual Harassment, while also meeting the Personal Safety Law of the State of New York & the Higher Education Amendment of 1992. Please be advised that the material listing New York State penal code regulations is explicit. Our intention is not to frighten you, but to keep you apprised of one of the many issues affecting college students today. College students are more vulnerable to rape than any other age group. We hope this brochure will complement the many sexual assault and rape prevention programs which were provided through your high school, other colleges and your local community. It is also a companion guide to the information which is presented in numerous campus programs.

We encourage you to become familiar with this information and share it with your friends. As the College continues to educate its community, we come closer to maintaining a campus that is more safe and responsive to these issues.

II. Resources

A. On-Campus:

Psychological Counseling Center

8:30 am-4:30 pm, M-F
257-2920

University Police

24 hr.
257-2222

Student Health Center

8:30 am-6:00 pm, M-Thurs., 8:30 am-4:30 pm, F
257-3400

HAVEN (Peer Hotline)

Sexual Assault, Rape & Relationship Violence
8 pm-1 am 7 days a week (closed during all breaks)
257-4930
24 Hr. Beeper Service: 879-0067

OASIS (Peer Crisis Hotline)

8:00 pm-1:00 am (closed during all breaks)
257-4945

Student Affairs Office

8:30 am-5:00 pm, M-F
257-3261

Resident Director

Capen Hall x4444 or x4445

Resident Assistant

B. Off- Campus:

New Paltz Town Police

255-1323

Hospitals:

Benedictine, Kingston-338-2500
Kingston City, Kingston-331-3131
St. Francis, Poughkeepsie - 471-2000
Vassar, Poughkeepsie - 454-8500

Crime Victims Assistance Program

Kingston
9:00 am-5:00 pm
340-3443
Hotline 340-3442

Poughkeepsie
452-1110
Hotline 452-7272

III. What To Do After You Have Been Raped or Assaulted

Go to a Place That is Safe.

Your first concern should be to get to a safe place. Go to a friend’s room or to your Resident Assistant and/or Resident Director.

Don’t:

shower, bathe, douche or change clothes before you seek medical attention.

Tell Someone.

Let someone know what has happened to you so that they may provide emotional support for you. Pick a friend you trust, a Resident Assistant, Resident Director, University Police, or any University staff or faculty member. Let someone help you.

Seek Medical Attention.

See a doctor immediately for treatment of any injuries. The doctor can provide important medical evidence should you choose to report the assault or rape and press charges.

Report the Assault or Rape:

to the appropriate police agency (University Police if the crime took place on campus, Town Police if the crime took place off campus).

Seek Counseling.

Consult a trained rape-crisis counselor through HAVEN, OASIS, the Psychological Counseling Center, or Ulster County Crime Victims.

IV. Procedures for Reporting

Men or women who wish to report an incident of sexual assault or harassment, those wishing to confidentially discuss an incident, those who may be undecided about proceeding with criminal or campus charges, or individuals who may not label a given experience as rape but who have questions or concerns about unwanted sexual experiences or aggressive relations, may contact the following persons or offices for advice and assistance:

Police Action and Criminal Information

University Police
257-2222

Peer Support

OASIS (Peer Crisis Line)
Deyo Hall G13C
257-4945 (closed during all breaks)

Emotional Support and Advice

Psychological Counseling Center
Student Health & Counseling Center Building
257-2920

HAVEN (Peer Hotline)

Deyo Hall G13C
257-4930
24 Hr. Beeper Service: 879-0067 (closed during all breaks)

Judicial Action and Administrative Support

Office of Student Affairs
HAB 702
257-3261

Administrative Support and Action

Resident Director/Resident Assistant
Office of Residence Life
257-4444

Harassment/Discrimination Issues

Affirmative Action Officer
HAB 203
257-3170

V. Once an Offense Has Been Reported...

A. Office of Student Affairs Procedures

Depending on the severity and the reporting of the incident, immediate action may be taken against the accused. This may include but is not limited to: Suspension, Denial of Campus Residency, and/or Administrative Relocation. The immediate sanction will be in effect until a campus hearing can be held and a final sanction imposed.

On campus students who are victims of a sex crime and who do not feel safe in their current living arrangement may request to be relocated if other on campus accommodations are available.

Off campus students will be advised and referred as appropriate to resources in the local community.

When the accused is a member of the College community, the Office of the Dean of Students will review evidence and statements made by the victim in preparation for the imposition of charges. Campus Regulations and Judicial Procedures concerning Rape, Sexual Abuse or Sexual Harassment are described in detail in the Campus Regulations and Judicial Procedures handbook. Copies may be obtained from the Office of Student Affairs, HAB 702, the Office of Residence Life in Capen Hall, or found on the Student Affairs' Web site at www.newpaltz.edu/studentaffairs.

Contact between the Dean and the victim will be maintained throughout the judicial process. Students will also be encouraged to seek out the resources of the Counseling Center, HAVEN, and/or Crime Victim's Assistance Program for emotional support during the judicial process.

Specific procedures regarding the conduct of the Initial Conference, Administrative and Hearing Committee sessions are outlined in the Campus Regulations and Judicial Procedures document. A statement regarding victim's rights is also contained in this document.

Victims of a sexual assault are entitled to the same right to have others present during an on-campus hearing as the accused. Both parties are also entitled to know the outcome of any formal proceedings.

B. University Police Department Procedures: Rape and Sexual Assault

Students are encouraged to contact the University Police department as soon as possible following an incident involving Rape or any type of a sexual violation assault.

The first priority will be to provide medical and psychological needs to the victim. A preliminary interview will be conducted to determine the type of crime and description of the suspect. With the permission of the victim, the Vice President for Student Affairs, Dean of Students and the Vice President for Administration will be notified.

In all sex related crimes, the collection of evidence is of critical importance. The crime scene will be secured and proper investigation measures implemented. Victims will be advised of counseling and support services available. The victim may decline those services and the decision will be honored.

The confidentiality of the victim will be maintained at all times. When necessary, the college community will be advised and updated of any incident posing a danger to the community.

Students should be aware that the College does not have jurisdiction over actions and activities that involve non-students. In this type of incident, and in those involving non-student perpetrators, the College will continue to make all reasonable efforts to assist the student in reporting crimes and in receiving medical, legal, academic and psychological support.

VI. Campus Regulations and Judicial Procedures

15.00 Rape

- .01 No person or group of individuals shall engage in vaginal, penile, oral or anal penetration with any individual if such behavior is against the will and without the verbal consent of that person. (Forced vaginal, penile, oral or anal penetration can occur with any individual and may or may not involve deception, violence, or the threat of physical harm.)
- .02 No person or group of individuals shall violate through vaginal, penile, oral or anal penetration someone who is physically helpless (i.e., drunk and/or under the influence of a substance or substances), unconscious (i.e., "passed out"), or otherwise incapacitated and unable to communicate willingness towards an act, or control his/her own behavior, or to give verbal consent.

(Penalty: not less than Expulsion.)

16.00 Sexual Abuse

No person or group of individuals shall engage in sexual behavior towards any individual against his/her will and without his/her verbal consent. Such behavior includes, but is not limited to, touching, pinching, patting, or pressing up against someone or exposing genitalia.

(Penalty: not less than Disciplinary Probation; not more than Expulsion.)

SUNY New Paltz expressly prohibits the sexually aggressive conduct noted above and students found engaging in it will be subject to severe disciplinary action on campus. (See also: Statement of Victim's Rights, Part IV, Section B. 3.) In addition, violators may also be subject to criminal charges and prosecution under local and state laws.

17.00 Sexual Harassment

According to the Equal Employment Opportunity "Guidelines," unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to the conduct is either an explicit or implicit term or condition of employment or academic advancement; or
2. submission to or rejection of the conduct is used as a basis for an employment or evaluative decision affecting the person rejecting or submitting to the conduct; or
3. the conduct has the purpose or effect of unreasonable interfering with an affected person's work performance, learning environment, or creating an intimidating, hostile, or offensive work environment.

Every person is entitled to a work and learning environment free from the devastating effects of sexual harassment. Therefore, SUNY New Paltz opposes sexual harassment of both employees and students. Such harassment of employees or of students that implies a requirement of sexual cooperation as a condition of employment or academic advancement will not be tolerated. It will be considered a form of misconduct and sanctions with disciplinary actions will be enforced against:

1. individuals engaging in it; and
2. supervisory and managerial personnel who knowingly allow it to continue.

Any charges of sexual harassment against employees will be pursued in accordance with the disciplinary provisions of the appropriate union contracts. Charges of sexual harassment against students will be subject to judicial proceedings under Campus Rules and Regulations.

Students and employees of SUNY New Paltz who consider themselves victims of sexual discrimination may file a grievance in writing with the Affirmative Action Office within 45 calendar days of the alleged discriminatory act. Persons who choose to file a complaint within the College will not lose the right to file with an external enforcement agency such as the Equal Employment Opportunity Commission or the State Division of Human Rights.

(Penalty: not less than Disciplinary Probation; not more than Expulsion.)

EXCERPTED FROM: Campus Regulations and Judicial Procedures Document.

VII. Penal Law of the State of New York

Sexual Assault and the Law

The State University of New York at New Paltz has programs in place to protect all members of the New Paltz community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of SUNY at New Paltz Police.

NYS Law contains the following legal provisions defining the crimes related to sexual assault:

Section 130.20 – Sexual Misconduct

This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

Section 130.25/.30/.35 – Rape

This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.40/.45/.50 – Criminal Sexual Act

This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed 25 years.

Section 130.52 – Forcible Touching

This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person’s sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

Section 130.55/.60/.65 – Sexual Abuse

This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

Section 130.65-a/.66/.67/.70 – Aggravated Sexual Abuse

This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

VIII. On-Campus Programs

SUNY New Paltz provides numerous programs throughout the year that promote an awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses. These include but are not limited to:

- A. summer Orientation program,
- B. on-going Residence Hall programs,
- C. programs sponsored by the Women’s Studies and other academic departments,
- D. Survivors of Sexual Assault groups conducted by the Psychological Counseling Center ,
- E. programs provided by the Psychological Counseling Center, HAVEN, and other student organizations, and
- F. programs sponsored by the Affirmative Action Office.

Information about specific programs is generally available through the sponsor, signs and flyers posted around campus, and through the various campus media.

Students are encouraged to attend education programs concerning these issues.

We hope the information provided is informative and educational.

We encourage you to contact the following offices for assistance or more information about this document:

Dean of Students
HAB 702, Ext. 3261

University Police
Ext. 2222

Psychological Counseling Center
Student Health and Counseling Center Building
Ext. 2920

Administrative Support/Harassment/Discrimination Issues
HAB 203, Ext. 3170

Parental Notification Policy for Violations of Rules Concerning Alcohol, Controlled Substances & Illicit Drugs



Office of Student Affairs

PARENTAL NOTIFICATION POLICY for VIOLATIONS OF RULES CONCERNING ALCOHOL, CONTROLLED SUBSTANCES & ILLICIT DRUGS

Purpose

In keeping with its institutional mission, SUNY New Paltz seeks to provide a residential environment that is conducive to academic pursuits and fosters the social, cultural and intellectual growth of students. In doing so, the campus has established rules and policies for our campus community that enhance and support student success while upholding and reinforcing behavioral standards. Each person, upon entrance to the academy, is obligated to adhere to institutional rules and standards, including those concerning the possession or use of illicit drugs and the underage possession or abusive use of alcohol. Campus regulations and policies concerning illicit drugs, controlled substances, and alcohol are contained in the *Campus Regulations and Judicial Procedures* document and our pamphlet *Institutional Response to the Use of Illicit Drugs and Alcohol*. Both documents are disseminated to all incoming students, faculty and staff and are also available on the campus Web site at www.newpaltz.edu/studentaffairs/regulations.html.

Underage Students and Alcohol

New York State laws and SUNY New Paltz policies prohibit the possession and consumption of alcohol by persons under 21 years of age. SUNY New Paltz holds persons responsible for their conduct at all times, including behavior that occurs while under the influence of alcohol. Students who violate campus regulations or policies concerning use or abuse of alcoholic beverages are subject to disciplinary action, including possible dismissal from college.

Parental Notification

The Federal Higher Education Amendments of 1998 revised the Federal *Family Educational Rights and Privacy Act (FERPA)* to permit disclosure of violations of campus policies concerning possession and consumption of alcohol, controlled substances, or illicit drugs to parents of students who are under 21 years of age. The amendments to FERPA were enacted to encourage a partnership between college administrators and parents toward proactive intervention with students when there are indications of behaviors related to possession and use of alcohol, controlled substances, or illicit drugs that could lead to a student's separation from the institution. Beginning in fall 2000, SUNY New Paltz implemented a policy of notifying the parent(s) of students under the age of 21 years who have violated campus policies concerning the possession, use or abuse of alcohol, controlled substances, or illicit drugs. Written notification to the parent(s) at the address of record will occur under the following circumstances and **before** a student would be subject to dismissal:

- transport to a local hospital for emergency medical treatment or evaluation due to presumed consumption of alcohol, controlled substances, or illicit drugs.
- determination of a violation of campus regulations or policies concerning alcohol or controlled substances when **subsequent** violation(s) could result in the student's separation from the institution (e.g. Suspension or Expulsion from SUNY New Paltz).

Affirmative Action

SUNY New Paltz prohibits discrimination on the basis of race, color, gender, age, national origin, religion, pregnancy, disability status, military status, marital status, or sexual orientation. This policy applies to recruitment, placement, promotion, training, transfer, retention, rate of pay, sabbatical leave, tuition waiver, study release, merit raise, and all other details and conditions of employment. In addition to complying with all applicable non-discrimination laws, SUNY New Paltz is also committed to taking affirmative action to ensure that all individuals have an equal opportunity for employment.

This policy is vital to achieving our goal of a high-quality, diverse work force within our college community. Further, this policy lays the foundation for competent and fair management for the men and women with whom we work.

Any person with questions or concerns about the EEO/AA policy should contact the Affirmative Action Officer in HAB 301, who is responsible for the implementation of the College's Affirmative Action Programs.

STATE UNIVERSITY OF NEW YORK
NEW PALTZ
DIVISION OF STUDENT AFFAIRS