

Office of Student Affairs



STUDENT HANDBOOK

AUGUST 2022

Includes:

Campus Regulations &
Student Conduct Procedures

Information Regarding
Bias & Hate
Crimes Prevention

Institutional Response to the
Use of Alcohol, Cannabis/
Marijuana
& Illicit Drugs

Information Regarding
Title IX (Sexual Violence),
Stalking, and Interpersonal
Violence (Intimate Partner,
Dating or Domestic)

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

Key Offices, Locations and Contact Information

| | LOCATION..... | TELEPHONE |
|---|-----------------------------|--------------|
| Information..... | | 845-257-2121 |
| Academic Advising Center | WH 106..... | 3015 |
| Admissions, Undergraduate..... | Hopfer House | 3200 |
| Assistant VP Student Affairs/Dean of Students..... | HAB 702 | 3261 |
| Athletics | EG 200A..... | 3910 |
| Bookstore..... | SU Basement | 3050 |
| Business, Dean | van den Berg Hall 312A..... | 2930 |
| Career Resource Center..... | HUM 105..... | 3265 |
| Center for Student Engagement..... | SU 211..... | 3025 |
| Center for Student Success | OM B106 | 3580 |
| Child Care | Children's Center | 2910 |
| Coordinator of Wellbeing Initiatives & Outreach | Student Union 312 | 3028 |
| Director of Student Conduct and Community Standards.... | HAB 702 | 3261 |
| Disability Resource Center..... | HAB 205 | 3020 |
| Education, Dean | OM 104..... | 2800 |
| Educational Opportunity Program/EOP..... | HAB 19 | 3220 |
| Extended Learning | HAB 805 | 2900 |
| Science & Engineering, Dean | REH 114 | 3728 |
| Fine & Performing Arts, Dean..... | CT 118 | 3860 |
| Graduate School, Dean | HAB 804 | 3285 |
| Human Resources, Diversity & Inclusion/Title IX | HAB 602 | 3675 |
| International Education | CIP | 3125 |
| International Student Advisor | CIP | 3125 |
| Liberal Arts & Sciences, Dean..... | JFT 614 | 3520 |
| Library | STL..... | 3700 |
| Oasis/Haven..... | Oasis x 4945, Haven x4930 | |
| Psychological Counseling Center | HCC 201 | 2920 |
| Records & Registration Office | WH 115..... | 3100 |
| Residence Life | Capen Hall..... | 4444 |
| Student Accounts..... | WH 114..... | 3150 |
| Student Affairs | HAB 701 | 3260 |
| Student Association..... | SU 210..... | 3070 |
| Student Association Attorney | vk@kossoverlaw.com..... | 845-255-4655 |
| Student Conduct and Community Standards..... | HAB 702 | 3261 |
| Student Financial Services..... | WH 124..... | 3250 |
| Student Health Service..... | HCC 101 | 3400 |
| Student Teaching..... | OM 107..... | 2822 |
| Student Union | H.Q. Desk | 3000 |
| Title IX Coordinator..... | HAB 602 | 3184 |
| Ulster County Crime Victims Advocate..... | by appointment..... | 845-332-5221 |
| 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 August 2022

State University of New York at New Paltz

MISSION STATEMENTS

Division of Student Affairs

Student Affairs is committed to the holistic development and well-being of our students and to providing a safe community that celebrates human differences and promotes civic responsibility and citizenship.

Office of Student Conduct and Community Standards

The Office of Student Conduct and Community Standards is dedicated to educating SUNY New Paltz students about the conduct process and community standards while ensuring due process and fundamental fairness for all students, organizations and the university community. Through our processes we hope to support both the individual student and the SUNY New Paltz Community as a whole.

Table of Contents

| | |
|--|-----------|
| Campus Regulations & Student Conduct Procedures | 1 |
| I. Students Rights & Responsibilities | 2 |
| A. Philosophy | |
| B. Statement of Principles and Responsibility | 3 |
| 1.00 Equality | |
| 2.00 Association | |
| 3.00 Speakers and Topics | |
| II. Rules for the Maintenance of Public Order | 4 |
| III. Campus Regulations. | 10 |
| A. Related Documents | |
| B. Campus Rules | 12 |
| 1.00 General Regulatory Statement | |
| 2.00 Academic Integrity | |
| 3.00 Physical Abuse | |
| 4.00 Dangerous Materials | |
| 5.00 Disruption of Student Conduct Hearings | |
| 6.00 Failure to Comply with Disciplinary Decisions | |
| 7.00 False Reporting | |
| 8.00 Fireworks | |
| 9.00 Harassment/Stalking | |
| 10.00 Hate/Bias Related Acts | |
| 11.00 Hazing | |
| 12.00 Narcotics, Illicit Drugs, and Controlled Substances | |
| 13.00 Illegal Weapons | |
| 14.00 Unauthorized Use of College Name, Supplies and Documents/Forgery | |
| 15.00 Property Damage/Destruction | |
| 16.00 Rape | |
| 17.00 Sexual Assault/Misconduct | |
| 18.00 Sexual Harassment | |
| 19.00 Interpersonal Violence (Dating Violence and Domestic Violence) | |
| 20.00 Unauthorized Use of Computer Services | |
| 21.00 Theft/Possession of Stolen Property | |
| 22.00 Trespassing/Unauthorized Use of Facilities and Services | |
| 23.00 Fire Equipment and Alarms | |
| 24.00 Disorderly/Disruptive Conduct | |
| 25.00 Cannabis/Marijuana | |
| 26.00 Falsification | |
| C. Administrative Regulations. | 21 |
| (including College Housing Facilities) | |
| 1.00 Alcohol | |
| 2.00 Compliance with Official Requests | |
| 3.00 Identification/Keys/Access to Facilities and Services | |

| | | |
|-------|---|----|
| 4.00 | Fraudulent Receipt/Use of Services | |
| 5.00 | Noise | |
| 6.00 | Movement of Furniture | |
| 7.00 | Showers and Bathroom Facilities | |
| 8.00 | Guests | |
| 9.00 | Animals | |
| 10.00 | Littering | |
| 11.00 | Room Changes | |
| 12.00 | Fire, Health and Safety Regulations | |
| 13.00 | Candles/Incense | |
| 14.00 | Screens | |
| 15.00 | Smoking | |
| 16.00 | Outside Camping and Temporary Structures | |
| 17.00 | Possession of Drug Paraphernalia | |
| 18.00 | Non-Motorized Vehicle Use | |
| 19.00 | Hover Boards | |
| D. | General Administrative Policies | 25 |
| 1.00 | Address and Contact Information | |
| 2.00 | Financial Obligations | |
| 3.00 | Reimbursement for Tuition/Room Rent | |
| 4.00 | Official Communication | |

IV. The Student Conduct Process. 26

| | | |
|----|---|----|
| A. | Mediation (Restorative Conversations). | 27 |
| B. | Procedures for Handling Violations of Administrative Regulations and/or Campus Rules | 27 |
| 1. | Student Advocates | |
| 2. | Complaint Reports | |
| 3. | Statement of Victim's Rights | |
| 4. | Notification of Charges | |
| 5. | Student Conduct Hearing Processes | |
| C. | Immediate Administrative Action | 31 |
| D. | Adjudication by Judiciaries | 31 |
| 1. | Rights of Persons Subject to Student Conduct Hearings | |
| 2. | Rules of Procedure | |
| 3. | The Student Conduct Structure | |
| E. | Appeals | 34 |
| 1. | Procedure for Appeals | |
| 2. | Grounds for Appeals | |
| F. | Sanctions | 35 |
| 1. | Execution of Sanctions | |
| 2. | Types of Sanctions | |
| G. | Other Administrative Action | 36 |
| 1. | Administrative Relocations | |
| 2. | Housing License Revocations | |
| 3. | Administrative and Medical Withdrawals | |
| 4. | No Contact Orders | |
| H. | Records | 38 |
| 1. | Disciplinary Records | |
| 2. | File Maintenance | |
| 3. | Confidentiality | |

| | |
|---|-----------|
| 4. Authorized Personnel | |
| 5. Academic Transcript Notation Policy | |
| 6. Readmission to College Following Involuntary Separation | |
| 7. Official Requests/Holds | |
| V. Campus Safety and Security. | 39 |
| A. Bias Crimes Prevention | |
| B. Campus Safety Act | |
| C. Campus Safety Committee | |
| D. Sexual Assault Prevention | |
| E. Student Right to Know and Campus Security Act: | |
| Title II Crime Awareness and Campus Security Act of 1990 | |
| F. Good Samaritan-Student Conduct Amnesty Policy | |
| Information Regarding Bias & Hate Crimes Prevention | 42 |
| Institutional Response to the Use of Alcohol, Cannabis/Marijuana and Illicit Drugs | 45 |
| Message from the College President | 45 |
| I. Philosophy. | 47 |
| II. Drug & Alcohol Policy | 47 |
| A. Employees | |
| B. Students | |
| 1. Illicit Drugs and Controlled Substances Policy | |
| 2. Cannabis/Marijuana | |
| 3. Alcohol Policy | |
| III. Penalties for Drug Possession and Sale | 49 |
| A. NY State Schedule of Drugs | |
| 1. Schedule I | |
| 2. Schedule II | |
| 3. Schedule III | |
| 4. Schedule IV | |
| 5. Schedule V | |
| B. Federal | |
| C. New York State | |
| D. New York State Laws Regarding Alcohol Violations (not inclusive) | |
| E. What is Zero Tolerance? | |
| F. New York State Rules Regarding Cannabis/Marijuana | |
| IV. Health Risks | 53 |
| V. About Alcohol | 53 |
| VI. Resources: Where to go for Information and Assistance | 54 |
| A. On-Campus | |
| B. Off-Campus | |
| C. Numbers to Call | |

| | |
|---|-----------|
| Information Regarding Title IX (Sexual Violence), Stalking, and Interpersonal Violence (Intimate Partner, Dating and Domestic) | 56 |
| I. Introduction | 57 |
| II. What to Do After You Have Been Raped or Assaulted | 58 |
| III. Students' Bill of Rights: Reporting Individual | 58 |
| IV. Policy for Alcohol and/or Drug Use Amnesty | 60 |
| V. Sexual Violence Reporting, Protection and Accommodations | 60 |
| A. Reporting | 60 |
| B. Protections and Accommodations | 62 |
| C. Student Conduct Process | 63 |
| D. Resources | 63 |
| On-campus | 63 |
| Off-campus | 64 |
| VI. Assistance with Reporting | 66 |
| VII. Campus Regulations, Definitions and Charges | 67 |
| 9.00 Harassment/Stalking | |
| 16.00 Rape | |
| 17.00 Sexual Assault/Misconduct | |
| 18.00 Sexual Harassment | |
| 19.00 Interpersonal Violence (Intimate Partner, Dating or Domestic) | |
| VIII. Penal Law of the State of New York | 67 |
| 130.20 – Sexual Misconduct | |
| 130.25/.30/.35 – Rape | |
| 130.40/.45/.50 – Criminal Sexual Act | |
| 130.52 – Forcible Touching | |
| 130.55/.60/.65 – Sexual Abuse | |
| 130.65-a/.66/.67/.70 – Aggravated Sexual Abuse | |
| IX. Prevention of Sexual Assault, Sexual Harassment, Stalking, and Interpersonal Violence (Intimate Partner, Dating or Domestic) | 68 |
| X. Title IX Glossary | 68 |
| Parental Notification Policy for Violations of Rules Concerning Alcohol, Controlled Substances & Illicit Drugs | 71 |
| Campus Map | 73 |

Campus Regulations & Student Conduct Procedures



Office of Student Affairs

Forward

This publication shall be called the SUNY New Paltz Campus Regulations and Student Conduct Procedure Document. It is developed to foster the pursuit of knowledge as well as to provide a Student Conduct 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 Student Conduct 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.

Please note that all rules and regulations of the State of New York cited within portions of this document cannot be edited or modified. This includes reference to gendered language, including pronouns. This document has been edited to utilize inclusive language wherever possible.

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 their conduct at all times and that they 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, gender identity, ethnic background, sexual orientation, age, marital status, disability, veteran or military status. 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, gender identity, ethnic background, sexual orientation, age, disability, veteran or military status 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 Sanction Range 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 (Please note that SUNY New Paltz utilizes the term Sanction Range when referring to 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 institutions 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 Sanction Range 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) **Sanction Ranges.** 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 Sanction Range provided in this subdivision shall be in addition to any Sanction Range which may be imposed pursuant to the Penal Law and any other provision of law, or to any Sanction Range 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

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. Behavioral standards are developed by institutions of higher education for the purpose of supporting the educational mission and fostering safe living and learning communities. These standards, commonly referred to as Campus Regulations, set the institution's expectations of appropriate behavior, and may apply to behavior regardless of a student's location, whether on-campus or off-campus (including but not limited to off campus placement, student teaching, study abroad). No student is exempt from these regulations and standards. It is the responsibility of a student in need of any additional accommodations to communicate their specific needs to the appropriate administrator. For purposes of this document "Student" is defined as: persons registered for courses, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking students; individuals who confirm their intent to enroll in programs; those attending orientation sessions; between academic terms; taking online classes; auditing classes; those that were enrolled on the date of an alleged incident; persons who are active but not enrolled at the College.

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 one's Constitutional rights. 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 Student Conduct 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 Computing/Acceptable Uses:** Policies concerning the use of campus computing facilities and network resources are available in the Office of Computer Services and at <https://newpaltz.teamdynamix.com/TDClient/KB/>
2. **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 Student Conduct and Community Standards or at <https://www.newpaltz.edu/acadaff/academic-policies-including-academic-integrity/>
3. **Alcohol on Campus:** All alcoholic beverages must be served by Catering personnel and consumed in designated areas. Proof of age will be required. Alcohol procedure and policy can be found at: www.newpaltzcatering.catertrax.com (click on “Flavours Catering”, then click on “Alcoholic Beverages.” Flavours by Sodexo catering reserves the right to refuse service of alcoholic beverages to any person. All personnel have completed the Serve Safe Training Program for Service. For the complete Alcoholic Beverage Policy, go to: <https://newpaltzcatering.catertrax.com/menunavigation.asp?categorygroup=1#c:1|l:112> Other policies regarding open containers of alcohol and limits to use or possession of alcohol are contained in Part III C, 1.00 of the Campus Regulations. 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 Alcohol, Cannabis/Marijuana and Illicit Drugs pamphlet is on p. 45 of this Handbook.
4. **Animals on Campus:** No person shall bring any animal into any building owned or controlled by the college with the exception of Service or Assistance animals having prior campus approval. Requests for Service or Assistance animals must be approved by the Disability Resource Center after review of all proper documentation. A student with a disability who wants to bring such an animal on campus is subject to the definitions and regulations of the recent amendments to the Americans with Disabilities Act, the Fair Housing Act, and Section 504 of the Rehabilitation Act of 1974. For the Disability Resource Center’s website please visit: www.newpaltz.edu/drc/.
5. **Classroom Civility and Disruption:** The policy on Classroom Civility and Dealing with Disruption can be found on page 18 of the Faculty Handbook <https://www.newpaltz.edu/media/academic-affairs/FACULTY%20HANDBOOK%2020%2021.pdf>
6. **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 [Residence Life \(newpaltz.edu\)](http://ResidenceLife.newpaltz.edu).
7. **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>.
8. **Commercial Activities:** Policies governing commercial activities on-campus are available upon request from the Center for Student Engagement and Union Services and the University Police Office.
9. **Faculty/Student Consensual Relationships:** Relationships between a faculty member and a student, or a staff member (such as a coach, adviser, college administrator, or employment supervisor) and a student, are considered professional relationships. These professional relationships carry an inherent power differential. Where such a power differential exists, it compromises the real or perceived freedom of the student’s ability to begin, alter or terminate a romantic or sexual relationship. Therefore, for faculty and staff, the initiation of or engagement in a romantic or sexual relationship with a student wherein a power differential exists is prohibited. For the full policy, please go to: <https://www.newpaltz.edu/hr/policies--procedures-resources-and-information/consensual-relationship-policy/>.

10. **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 Office of Human Resources, Diversity & Inclusion/Title IX or on the web at www.newpaltz.edu/titleix/.
11. **Policy Governing the Formation, Recognition and Function of Social/Service Greek Letter Organizations:** Fraternities and Sororities: Copies of this policy are available upon request from the Office of Student Conduct and Community Standards, the Center for Student Engagement, and the Inter-Greek Council or on the SUNY New Paltz website HazingPolicy https://www.newpaltz.edu/studentengagement/student-involvement/fraternity-and-sorority-life/greeklife_hazingpolicy.html
12. **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 p. 41 of this Handbook.
13. **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/policies_records.html.
14. **Sexual Assault & Harassment:** Copies of the Title IX document are available through the Director of Student Conduct and Community Standards or designee, University Police, Office of Residence Life and the Office of Human Resources, Diversity & Inclusion/Title IX. 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 <http://www.newpaltz.edu/titleix/reporting.html>, or www.newpaltz.edu/titleix
15. **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.
16. **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 Center for Student Engagement in Student Union 211 or by calling 845-257-3025.

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.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or 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 Sanction Range 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 Sanction Range. The academic Sanction Range 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 Student Conduct and Community Standards.

In those cases where allegations of academic dishonesty have been filed with the Director of Student Conduct and Community Standards or designee, 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 their possession any tool, written material, or other device which may be of assistance to them 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 their 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.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion and the inclusion of an academic Sanction Range 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 cause or attempt to cause physical injury by subjecting another to physical contact (i.e. striking, shoving, kicking, slapping).
- .02 No person shall intentionally or 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.

No person shall justify any behavior in 3.01 and 3.02 as defensive if: the behavior is a physical response to a verbal provocation; the student has the ability to leave the situation, but instead chooses to respond physically; or in circumstances where such actions are punitive or retaliatory.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion with Academic Transcript Notation)

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.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance or Suspension. Special Conditions may include Denial of Campus Residency-Held in Abeyance or Denial of Campus Residency.)

5.00 Disruption of Student Conduct Hearings

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

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance or Suspension)

6.00 Failure to Comply with Disciplinary Decisions

No person shall fail to comply with any disciplinary condition imposed upon them by any Student Conduct body or administrators.

(Sanction Range: 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.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion)

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.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion. Special Conditions may include Denial of Campus Residency-Held in Abeyance or Denial of Campus Residency)

9.00 Harassment/Stalking

.01 No person shall engage in unwelcome conduct directed at an individual which is so severe or pervasive that it interferes with an individual's sense of safety or well-being, and may interfere with an individual's employment, academic performance, or participation in the College's programs or activities.

.02 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.

.03 No person shall engage in a repeated course of conduct directed at a specific individual that directly or indirectly (or through third parties) distresses, intimidates or threatens, and places a reasonable person in fear. This also includes repeated incidents where electronic media such as the internet, social media, cell phones, or other similar devices are used to pursue, intimidate or threaten and place a reasonable person in fear (cyber-stalking).

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion)

10.00 Hate/Bias Related Acts

No person shall engage in acts which intentionally select a person or group against whom a criminal offense is committed because of a belief or perception regarding the race, color, ancestry, gender, gender identity, gender expression, sexual orientation, religion, religious practice, age, disability, national origin or immigration status, regardless of whether the belief or perception is correct.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion)

11.00 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.)

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion with Academic Transcript Notation)

12.00 Narcotics, Illicit Drugs, and Controlled Substances

.01 Possession of Illicit and/or Controlled Substances

No person shall use, possess, manufacture, or have under their 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 or any other substance specifically prohibited or controlled by Federal or State law. Illegal items will be confiscated and not be returned.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion. Special conditions include: educational and/or clinical intervention, possible Denial of Campus Residency and parental notification if applicable.)

.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. Illegal items will be confiscated and not be returned.

(Sanction Range: not less than Expulsion, Academic Transcript Notation, and where possible, the imposition of criminal charges.)

**See Campus Regulations: V. Campus Safety and Security: F. Good Samaritan-Student Conduct Amnesty Policy*

13.00 Illegal Weapons

No person shall possess weapons of any kind in the Residence Halls or anywhere on campus (even if licensed.) These items include but are not limited to: firearms, electronic dart or stun guns, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type, slingshot or slungshot, shirken or "Kung Fu Stars." Illegal items will be confiscated and not be returned.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion)

14.00 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.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance or Suspension)

15.00 Property Damage/Destruction

No person shall burn, destroy or damage any property, intentionally or unintentionally, be it personal property 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.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance or Suspension and restitution for damages)

16.00 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 affirmative 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 their own behavior, or to give affirmative consent.*

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

***The Principles of Consent are:*

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

(Sanction Range: not less than Expulsion with Academic Transcript Notation)

17.00 Sexual Assault/Misconduct

No person or group of individuals shall engage in sexual behavior towards any individual against their will and without their affirmative consent. Such behavior includes, but is not limited to, touching, pinching, patting, or pressing up against someone, exposing genitalia, sexual based stalking or bullying, or sexual exploitation. Sexual exploitation may include but is not limited to invasion of sexual privacy, non-consensual use of photographs, video or audio-taping of sexual activity, engaging in voyeurism or knowingly transmitting an STI or HIV to another student.

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

*** The Principles of Consent are:*

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

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion with Academic Transcript Notation)

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: Reporting Individual (Part IV, Section B. 3) p. 26 and Students' Bill of Rights, p. 52. In addition, violators may also be subject to criminal charges and prosecution under local and state laws.

18.00 Sexual Harassment

No person or group of individuals shall engage in unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, gender, gender identity, or gender expression, the student's ability to participate in or receive benefits, services, or opportunities in the educational institution's program. Isolated instances, e.g., a sexual comment or joke, ordinarily will not constitute sexual harassment unless the circumstances are egregious. Such sexual behavior does not constitute harassment if it is welcomed (i.e., voluntary and consensual). However, while such conduct in the educational or workplace setting may fall short of the legal standard for sexual harassment or discrimination the college may, within its discretion, address the behavior as uncivil, unprofessional, and/or inappropriate.

In addition, other examples can include:

- Submission to such a conduct is made a term or condition of an individual's academic status, of an individual's grades, and/or other aspects of their education (quid pro quo).
- Submission to or rejection of such conduct is used as a basis for educational decisions affecting the student, student applicant, or student employee.
- Such conduct is intended to interfere, or results in interference, with a student's educational performance or creates an intimidating, hostile, or offensive environment.

The College is committed to ensuring a community that is safe for all who study and work here and encourages students and employees to report concerns about sexual harassment immediately but will hear a concern at any time. Immediate notification allows the college to provide appropriate support and a timely response. Delays in reporting may limit the type or effectiveness of responses from the College, law enforcement and external resources, or may impact any evidence and access to witnesses that may assist us in investigating and responding to your concerns.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion)

19.00 Interpersonal Violence (Intimate Partner, Dating or Domestic)

.01 No person shall engage in a violent act or pattern of coercive behavior that serves to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological, verbal, financial and/or emotional in nature. Intimate partner abuse can occur in relationships of the same or different genders; between current or former intimate partners who have dated, lived together, or been married. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of relationship and the frequency of interaction between the persons involved in the relationship.

.02 No person shall engage in any violent felony or misdemeanor crime that serves to exercise control and power in a domestic partner relationship. Domestic partner abuse includes acts committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion with Academic Transcript Notation)

20.00 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 their 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, 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.
- .13 No person shall have active file sharing software on their computer which has the capacity to share copyrighted content (including movies, music or other copyrighted material). Someone who receives a DCMA Copyright Violation Notice and does not take appropriate action to remove the offending software will be subject to disciplinary action.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion)

21.00 Theft/Possession of Stolen Property

No person shall take and or knowingly possess property other than their own with intent to benefit themselves, or a person other than the owner thereof, or to impede recovery by the owner or College officials acting on behalf of the owner. Attempted or actual theft, unauthorized possession of, or inappropriate use of property belonging to the College, any member of the college community, a campus guest or community member includes theft of services, (e.g.: using an ID card to access funds or services). Possession of stolen or illegally procured property is prohibited.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion, Restitution for Damages (if applicable), and possible Denial of Campus Residency)

22.00 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 Student Conduct 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.
- .03 No person shall enter into or onto any college ponds, with the exception of fishing from areas outside of the water. The use of watercraft and boats (kayaks, rubber rafts, sailboats, etc) as well as walking, ice skating, wading, bathing or swimming is strictly prohibited.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance or Suspension, and/or Persona non Grata status when appropriate)

23.00 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, without authorization, operate or tamper with any fire safety equipment, including but not limited to fire extinguishers, smoke detectors and sprinklers, except for use in emergency situations, and for such purposes for which the equipment was intended, including failing to report or remedy a situation where they have knowledge that someone tampered with fire safety equipment.

[Relocating, removing, tampering with, damaging, or destroying smoke detectors or fire safety equipment is strictly prohibited. Damage and/or theft of fire equipment are arrestable offenses under New York State Law.]

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion). Special conditions may include Denial of Campus Residency Held in Abeyance, Denial of Campus Residency, and/or an educational program and Restitution for Damages.

24.00 Disorderly/Disruptive Conduct

- .01 No person shall engage in disorderly conduct which interferes with the rights of others, including but not limited to: criminal mischief (vandalism); recklessly creating a public inconvenience or disturbance by fighting; making unreasonable noise; using abusive or obscene language; disturbing a class, meeting, event, rally or speaker; or acting in a manner that substantially or repeatedly infringes upon or violates the rights of others, including free speech rights (e.g. – sustained or repeated disruptive behavior so a person cannot be heard); 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.
- .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, including “chalking” sidewalks, walkways, walls, and any other state property on campus, regardless of content, because of the cost of maintenance and/or potential damage to property.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance or Suspension, and possible Restitution for Damages)

25.00 Cannabis/Marijuana Policy

No person shall use, possess, sell, purchase, cultivate, process, manufacture or give away Cannabis/Marijuana or its derivatives (tinctures, topicals, edibles etc.) in any form, anywhere on the college campus. Paraphernalia that is identified to have Cannabis/Marijuana residue in it will be considered evidence of possession. This includes SUNY property: public spaces, residence halls, office buildings, university-owned and leased buildings, parking lots, and at all SUNY events or while conducting university business, except for approved academic research. Medical marijuana is prohibited on campus property as well.

- 25.01 Sale, distribution or provision of Cannabis/Marijuana to those under 21 (on or off-campus)
No person shall sell, offer for sale or otherwise attempt to distribute Cannabis/Marijuana to any person under the age of 21.
- 25.02 Sale, Distribution or Provision of Cannabis/Marijuana (on or off-campus)
No person shall sell, offer for sale or otherwise attempt to distribute Cannabis/Marijuana to any person.
- 25.03 Driving While Ability Impaired or Smoking Cannabis/Marijuana
No person shall drive on the college campus while ability impaired by or while smoking Cannabis/Marijuana.
- 25.04 No student shall be under the influence of Cannabis/Marijuana to such a degree that it results in e.g. losing consciousness, losing the ability to independently ambulate, vomiting and/or losing the ability to speak clearly.

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance or Suspension. Special conditions may include educational and/or clinical intervention, possible Denial of Campus Residency, Restitution for Maintenance Costs. Parental Notification Policy if applicable.) **Any Cannabis/Marijuana found on campus will be confiscated and not be returned.**

26.00 Falsification

No person shall use, possess, manufacture, sell, forge, alter, or misuse any official document, record, key, access code, or instrument of identification.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion. Confiscated items will not be returned.)

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 Alcohol

No person shall possess, sell, or give away alcoholic beverages without proper authorization. See policies on “Use of College Facilities/Grounds” and “Alcohol on Campus” under Related Documents, p. 12.

- 1.01 Students under the age of 21 may not possess or use alcoholic beverages on the college campus.
- 1.02 Students 21 or older may possess alcoholic beverages in their residence hall room, but cannot exceed moderate amounts, nor store any alcohol outside of their residence hall room. Students over 21 living in a suite style residence must keep alcohol in their own assigned bedroom, unless all residents of the suite are over 21. Students 21 or older cannot drink in the presence of any person under 21 in any residence hall (with the exception of an assigned roommate).
- 1.03 Persons over 21 are prohibited from providing alcohol to a minor or an intoxicated individual. Any guest (student or non-student) 21 years of age or older, who is visiting a resident under the age of 21, is not allowed to bring alcohol into the residence halls.
- 1.04 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.
- 1.05 Possession of empty or decorative containers of alcohol, or alcohol paraphernalia (kegs, funnels) is prohibited.
- 1.06 Driving on campus while intoxicated or ability impaired is prohibited.
- 1.07 Students under the age of 21 may not be in the presence of alcoholic beverages on the college campus. The only exception is the underage student who resides with students of legal drinking age and may be in the presence of alcohol in the assigned residence; provided the underage roommate does not possess, distribute, sell or consume alcohol.
- 1.08 Students may not be highly intoxicated on the college campus, e.g. vomiting, losing consciousness, losing the ability to independently ambulate, and/or losing the ability to speak clearly due to the ingestion of alcohol.
- 1.09 Games of chance, drinking games, contests, and other activities that induce, encourage, or result in the rapid consumption of alcohol are prohibited. (e.g. Beer pong, flip cup, etc.)

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

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance or Suspension. Special conditions include: educational and/or clinical intervention, possible Denial of Campus Residency, Restitution for Maintenance Costs, and parental notification if applicable.)

**See Campus Regulations: V. Campus Safety and Security F. Reporting under Alcohol/Drug Amnesty Policies-Good Samaritan-and Self Reporting*

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, off-campus officials or officially recognized volunteers acting in accordance with their official duties, including but not limited to expectations of behavior to ensure public health.

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance or Suspension, and possible Restitution for Damages, where applicable.)

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, 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, or other official identification which is not rightfully theirs 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 their College identification card when requested to do so by a College official.
- .04 No person shall knowingly tamper with or bypass the security systems designed to control interior Residence Hall or exterior Residence Hall access (i.e., propping open doors, disabling locks, unlocking windows, etc.).

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance or Suspension and possible Denial of Campus Residency.)

- .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.

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion, special conditions include: Restitution for damages where applicable, and where possible, the imposition of criminal charges.)

4.00 Fraudulent Receipt/Use of Services

- .01 No person shall use laundry facilities (washers and dryers) in Residence Halls unless they have a valid Residence Hall License.
- .02 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.
- .03 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 Freshman Parking Ban Policy), or illegally procure such property.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance or 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 other students.

.03 No resident of a residence hall shall host persons in their room/suite who shall in any way create sounds which may be disturbing to other students.

(Sanction Range: Warning Probation or 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.

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance or Suspension)

7.00 Showers and Bathroom Facilities

Showers and bathroom stalls are for single use only. Residents and their guests are expected to use the facility which most closely aligns with their gender identity/expression.

(Sanction Range: Warning Probation or Disciplinary Probation)

8.00 Guests

A student hosting any guest shall be responsible for their conduct. Guests may include individuals not affiliated with the college. New Paltz students who live in the same residence hall, a different residence hall, or off campus can also be considered guests.

Students are responsible for all guest policies as communicated by the Department of Residence Life. Specific policies regarding guest registration, overnight guests, occupancy limits, length of stay etc. are outlined in the Housing Handbook, Housing License or any Addenda.

(Sanction Range: Warning Probation or Disciplinary Probation. Special conditions may include Denial of Campus Residency Held in Abeyance and possible Denial of Campus Residency).

9.00 Animals

No person shall bring any animal into any building owned or controlled by the college with the exception of Service or Support animals having prior campus approval. 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.

.01 Owners of approved Service or Support animals are responsible for upholding and complying with the conditions outlined in their Care Plan Agreement.

(Sanction Range: Warning Probation or Disciplinary Probation. Special conditions include possible Denial of Campus Residency Held in Abeyance, forfeiture of having the animal on campus, and/or Denial of Campus Residency.)

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.

(Sanction Range: Warning Probation or Disciplinary Probation)

11.00 Room Changes

Room changes are prohibited unless written authorization has been granted by the Resident Director or the Department of Residence Life.

(Sanction Range: Warning Probation or Disciplinary Probation)

12.00 Fire, Health, and Safety Regulations

Items or actions which may be considered hazardous are specifically prohibited in three categories: in the Residence Halls, in all campus buildings, and on campus property. The list of items in each category is generally updated every August, however the list can be updated anytime a new safety threat is identified. See <https://www.newpaltz.edu/reslife/guidelines.html> for a list of items/actions prohibited in the residence halls. See <https://www.newpaltz.edu/firesafety> for a list of items/actions prohibited in all campus buildings and/or on campus property. All permitted items with a sharp edge must be safely stored away when not in use.

(Sanction Range: Warning Probation or Disciplinary Probation. Special conditions include; Restitution for Damages, Denial of Campus Residency Held in Abeyance, Denial of Campus Residency and an educational intervention)

13.00 Candles/Incense

The possession of candles, incense (including sage or other burnable products), or plug-ins or making of candles or open flames at any time are prohibited in all residence halls. Possession of decorative, wickless candles are permitted.

(Sanction Range: Warning Probation or Disciplinary Probation. Special conditions include; Restitution for Damages, Denial of Campus Residency Held in Abeyance, Denial of Campus Residency and an educational intervention)

14.00 Screens

Window screens are to remain in place at all times. Unauthorized removals and/or tampering with screens is strictly prohibited.

(Sanction Range: Warning Probation or Disciplinary Probation and Restitution for damages and/or possible Denial of Campus Residency)

15.00 Smoking

Smoking (including e-cigarettes, vaporizers or hookahs) is prohibited in all University buildings, and within 50 feet of any building entrance or open window. Ash residue is considered evidence of smoking indoors.

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance or Suspension. Special conditions include; Restitution for Damages, Denial of Campus Residency Held in Abeyance, Denial of Campus Residency and an educational intervention)

16.00 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 p.m. or before 6 a.m., without specific written authorization from the Office of the Vice President for Student Affairs.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion)

17.00 Possession of Drug Paraphernalia

No person shall use, possess, or have under their control any drug paraphernalia, including but not limited to: water pipes, bongs, grinders, one hitters, hypodermic syringes/needles not prescribed to them by a licensed physician, or any scale or smoking apparatus determined to be drug-use related. Paraphernalia

that is identified to have Cannabis/Marijuana residue in it will be considered evidence of possession. Paraphernalia containing Cannabis/Marijuana will be confiscated and will not be returned.

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance or Suspension)

18.00 Non-Motorized Vehicle Use

Non-motorized vehicles include, but are not limited to, skateboards, longboards, roller skates, roller blades, and bicycles. The use of non-motorized vehicles is restricted in the following ways:

- Operators of non-motorized vehicles must yield to pedestrians at all times.
- Use of non-motorized vehicles in any campus building or on athletic property is prohibited.
- Engaging in tricks using non-motorized vehicles anywhere on college grounds that involve any college property, including but not limited to stairs, steps, railing, benches, walls, loading docks, or entrances to buildings is prohibited.
- Any tricks using non-motorized vehicles within the Excelsior Concourse, defined as the area between the north side of the Fine Arts Building and the north side of Jacobson Faculty Tower, are prohibited at all times.
- Operation of non-motorized vehicles within the Excelsior Concourse (as defined above) is prohibited at times of heavy congestion (course end and start times). During these occasions, operators must walk beside or carry non-motorized vehicles.
- Operators must dismount non-motorized vehicles at a reasonable distance (approximately 10 feet) from the entrance of any campus building.

Persons who use non-motorized vehicles are personally liable for their actions. Any damages or injuries that result from the use of these items, whether intentional or unintentional, will be subject to additional conduct charges.

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance, or Suspension, plus Restitution for Damages if applicable)

19.00 Hover Boards

The use, possession, storing or charging of hover boards is prohibited anywhere on campus. Any damages to college property, or injuries to another individual which result from a violation of 19.00, whether intentional or unintentional, will be subject to additional conduct charges.

(See the Environmental Health and Safety webpage regarding fire safety)

(Sanction Range: Warning Probation or Disciplinary Probation)

D. General Administrative Policies

1.00 Address and Contact Information

All students are required to report at the beginning of each semester the local address at which they will be living as well as their current cell phone number (or their primary phone number) and their emergency contact's name and cell phone number (or primary phone number). 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 course registration and diploma. Non-payment of housing costs will result in the rescinding of housing.

3.00 Reimbursement for Tuition/Room Rent

A student who is suspended or expelled for academic or disciplinary reasons prior to the end of an academic term shall be liable for all tuition and fees (including room and board) due for that term.

4.00 Official College Communication

New Paltz email serves as the official student email for all campus business. Messages from professors, the Office of Student Affairs and other administrators will be sent via the student's New Paltz email address. Students are responsible for checking this account daily, and will be held responsible for any and all content sent to their New Paltz email account.

The administration will only correspond with students who send emails from the student's newpaltz.edu account. Administrators at the college will never respond to any email communication generated through an anonymous email provider/service. Students who are identified as utilizing anonymous email sites to violate any part of the code of conduct will be charged accordingly. Students who are charged with violations based on behavior listed in the Student Code of Conduct (Student Handbook) will receive notification via email from the Maxient Student Conduct Management System.

IV. The Student Conduct 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 Student Conduct process which guarantees due process with due regard to the person's rights as an individual. The College maintains high community standards regarding student conduct in and outside the classroom, and these expectations of behavior apply to all students. It is the responsibility of the student to advise the Office of Student Conduct and Community Standards about any request(s) for accommodations they will need during the Student Conduct process.

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 Director of Student Conduct and Community Standards or designee and members of various Student Conduct bodies. In order to fulfill this responsibility, a Student Conduct 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 respondent 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. As such, a preponderance of evidence is utilized as the standard of proof.

The Student Conduct 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 Student Conduct 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. SUNY New Paltz students may be held responsible for the behavior of their guest(s).

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 (Restorative Conversations)

Persons or groups not charged with a violation, who are involved in a conflict (not including cases of sexual violence and/or harassment), 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:

- 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 volunteer undergraduate interns working under the supervision of the Vice President for Student Affairs or designee in consultation with the Student Association Attorney. Availability of advocates during the regular academic semester is dependent upon the time of the semester, number of volunteers, and the current Student Conduct caseload. Student Advocates can advise and consult with both the respondent and the complainant regarding their rights and responsibilities when involved in the campus Student Conduct process. They may also accompany and assist a student at their Student Conduct Hearing and throughout the appeal process. The Office of Student Affairs can connect students with the student Advocate upon request.

2. Complaint Reports

A written report of an incident where a student is 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 or directly impacted by a student's alleged behavior should submit an **Incident Reporting Form**, found on the 'Resources' tab in my.newpaltz.edu, on the Student Affairs webpage, or directly at <https://www.newpaltz.edu/incidentreportingform>. When the form is completed and submitted, it will automatically be emailed to the Director of Student Conduct and Community Standards or designee. The Director of Student Conduct and Community Standards or designee will reach out to the reporting individual and offer a variety of options. Students reporting minor violations arising in a residence hall can submit a letter or email directly to the Resident Director of the hall in writing. If warranted, initiation of disciplinary charges will proceed as described in this document. Disorderly and disruptive behavior by a student in an academic classroom or with faculty or staff in their offices can be reported by faculty and staff through the **Incident Reporting Form** as well.

Two separate complaint processes exist for specific types of behavior of concern involving students, faculty or staff. First, a **Bias Response Team** reviews a submitted **Bias Reporting Form** which can be found on the 'Resources' tab in my.newpaltz.edu, on the Student Affairs or HRDI webpages, or directly at <https://www.newpaltz.edu/biasreportingform>. (See the Addendum on Information Regarding Bias and Hate Crimes Prevention in this Handbook.)

Second, reports that fall under Title IX including sexual harassment, sexual discrimination, sexual assault, and domestic and interpersonal violence should be reported through the Title IX reporting process as explained here <https://www.newpaltz.edu/titleix/>. The following chart references how to file a complaint on these issues, as well as violations of public health policy and the grade appeal process.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner is strictly prohibited and will result in disciplinary charges. Retaliation is an adverse action taken against an individual as a result of complaining about unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Participants who experience retaliation should contact the Office of Student Affairs immediately.

A Student's Right to Report a Complaint - Corresponding Intake & Referral Processes

| Complaint to Report | Name of Form or Process to Follow | Intake Conducted By |
|---|---|---|
| Disorderly/disruptive behavior by another student | <i>Incident Reporting Form</i> in my.newpaltz.edu or Student Affairs webpage or the direct link https://www.newpaltz.edu/incidentreportingform | Director of Student Conduct and Community Standards or designee |
| General behavior by a faculty or staff member | Contact the Office of Human Resources, Diversity and Inclusion (HRDI) 845.257.3171 | HRDI Employee Relations designees |
| Bias behavior by a faculty or staff member | <i>Bias Reporting Form</i> in my.newpaltz.edu, on the HRDI webpage or the direct link https://www.newpaltz.edu/biasreportingform | Bias Response Team Member |
| Bias behavior by a student | <i>Bias Reporting Form</i> in my.newpaltz.edu, on Student Affairs webpage, the direct link https://www.newpaltz.edu/biasreportingform | Bias Response Team Member |
| Sexual misconduct by a student | <i>Follow the process outlined</i> on the Title IX webpage https://www.newpaltz.edu/titleix/ | Title IX Coordinator |
| Sexual Misconduct by a faculty or staff member | <i>Follow the process outlined</i> on the Title IX webpage https://www.newpaltz.edu/titleix/ | Title IX Coordinator |
| Non-Compliance of Public Health Policy by a student | Call 845.257.MASK(-6275) & choose Student Conduct option or submit Incident Reporting Form https://www.newpaltz.edu/incidentreportingform | Director of Student Conduct and Community Standards or designee |
| Non-Compliance of Public Health Policy by a faculty or staff member | Call 845.257.MASK(-6275) and choose HRDI option | Appropriate HRDI Labor Relations designee |
| Conduct (non-bias) by a University Police Officer | Email Chief of Police upd@newpaltz.edu or leave message for Chief at x2222 | Chief of University Police |
| Serious violation of local, state or federal law on campus by any person including theft or property damage | Call University Police at 845.257.2222 | UPD Officer on duty |
| Conduct occurring off campus in the Town of New Paltz | Call the Town of New Paltz Police Department 845.255.1323 | NPPD Officer on duty |
| Appeal an Academic Grade | Read the policy and follow the steps at: https://www.newpaltz.edu/ugc/policies/policies_appeals.html | Appropriate Chairperson or Academic Dean |

3. Statement of Rights: Reporting Individual

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

- the right to file a report of the incident as a complainant (defined as any person who submits a statement alleging that a student violated this Student Code) that could be used to press charges against the respondent. The report can be filed with University Police, a Resident Director, or the Director of Student Conduct and Community Standards or designee (see *Note below).
- 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.
- the right to use existing campus and community counseling, mental health, or student services.

- (d) 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.
- (e) the right to review or request a copy of documentation in the Student Conduct file, upon written request to the Director of Student Conduct and Community Standards or designee.
- (f) the right to be present at a Student Conduct Hearing conducted for the respondent in response to charges filed by you or by the College on your behalf.
- (g) the right to be given the option to not testify face-to-face as long as it does not infringe upon the rights of the respondent to have a fair hearing.
- (h) the right to be accompanied by an advisor of choice who may assist and advise a reporting individual, throughout the Student Conduct or conduct process including during all meetings and hearings related to such process. This person may be the Student Advocate if so desired. The advisor's role must be passive and limited to advising the student as to whether the student should answer or should not answer questions. The advisor is not allowed to question any individual at the hearing, including the Student Conduct board. The chairperson and the procedural officer may disqualify the advisor from any further participation and/or direct their removal should this be violated.
- (i) 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. Except for advisors, witnesses or others deemed by the college as necessary to the Student Conduct process, Student Conduct Hearings are closed to the public.
- (j) the right to provide testimony about the incident and the right to question the respondent and all witnesses.
- (k) the right to provide a written impact statement to the Student Conduct board.
- (l) the right (in cases of physical and/or sexual violence) to know the outcome of the hearing including any sanctions imposed upon the respondent as well as whether the respondent will continue to be enrolled in the College.
- (m) the College will make a record of the events of the hearing that will be retained in its custody. A reporting individual or respondent The college would forward the digital record to a vendor, pre-approved by the college, and all costs for the transcript would be the responsibility of the requesting party.

In cases of sexual violence, sexual harassment, sexual discrimination, and interpersonal violence additional rights would apply. Please see Students' Bill of Rights on page 57.

*Note: The College will make every effort to keep the confidentiality of any person(s) reporting a claim and when possible will keep the identity of an unwilling victim or witness confidential. However, we cannot guarantee unqualified confidentiality as we must also balance the safety of other members in our community. If we determine that there is the threat of imminent harm to an individual or to the community, information may need to be shared and then only with appropriate individuals. Complainants will be advised if information pertaining to a claim is shared with individuals outside of the College's investigative process. There are certain individuals who, under the law and under specific circumstances, are bound by rules of confidentiality and therefore are prevented from or not required to report on your behalf. If you choose to report a claim to any of the college resources listed, you may ask whether your conversation with them is privileged under the law.

4. Notification of Charges

The College official handling the case (Resident Director or Director of Student Conduct and Community Standards or designee) shall develop a written Charge Letter 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 respondent shall be given written or electronic notification that they have been charged with violating a provision of the Regulations, including the Charge Letter, within fifteen (15) working days from the time the complainant has notified the Office of Student Conduct and Community Standards of their intent to pursue charges.

If a student does not open or respond to e-mail communication, the College reserves the right to serve them: in the residence halls; by a University Police officer in class; or to send the correspondence to their permanent address. Students are required to respond to this or any other request by the Office of Student Affairs. Failure to do so may result in action on the charges in absentia, additional Student Conduct charges and/or a hold on their records.

5. Student Conduct Hearing Processes

Initial Conference

The Resident Director or Director of Student Conduct and Community Standards or designee shall schedule an Initial Conference with the respondent and shall notify the respondent, in writing, of the time and place of the meeting which shall be conducted within fifteen (15) working days from the time of notification. This information shall be included with the Charge Letter. At the Initial Conference, a student may elect one of the following courses of action:

- (a) the respondent 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 Director of Student Conduct and Community Standards or designee who will take appropriate action including the possible imposition of one or more sanctions. If the respondent wishes to demonstrate mitigating circumstances, by producing relevant witnesses or evidence, a postponement of up to 48 hours can be requested.
- (b) the respondent may elect not to appear, at which time the proceeding will be conducted in absentia, and all statements contained in the Charge Letter shall be considered true and accurate and appropriate administrative action shall be taken by the Director of Student Conduct and Community Standards or designee.
- (c) if, during the Initial Conference, in the judgment of the Director of Student Conduct and Community Standards or designee, informal mediation is appropriate or the evidence does not support the allegation, they may elect to administratively drop the charges, at which time all records relevant to the case shall be destroyed.
- (d) the respondent 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 Student Conduct Hearings. The official conducting the Initial Conference could also conduct the Administrative Hearing, if agreed to by respondent.
 - (2) hearings for alleged violations of Campus Regulations shall be referred to the Student Conduct body having jurisdiction (see Section D.) If, however, the Student Conduct 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 Director of Student Conduct and Community Standards 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.

- (3) The Director of Student Conduct and Community Standards or designee has the discretion to determine if there have been excessive requests for postponements and to designate a final date for a hearing.
- (4) At the discretion of The Director of Student Conduct and Community Standards or designee all deadlines and time requirements in the Code may be extended for good cause and/or as requested by the respondent or the complainant. Both the respondent and complainant will be notified in writing of the delay, the reason for the delay, and provided with a new deadline or event.

C. Immediate Administrative Action (Interim Suspension and Immediate Denial of Campus Residency)

When in the judgment of the Director of Student Conduct and Community Standards or designee (or Director of Residence Life in consultation with the Director of Student Conduct and Community Standards or designee or Vice President for Student Affairs) the continued presence of a respondent 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 respondent may be sanctioned with immediate denial of campus residency and/or interim suspension from the College pending the final outcome of an Initial Conference, or Student Conduct hearing. In doing this, the respondent will be provided with a Charge Letter and the terms of the immediate sanction(s). Within three (3) business days of being sent this immediate action, the respondent has the prerogative to email an appeal of the immediate action(s) to the Vice President for Student Affairs to consider. The Vice President will respond to the appeal request within five (5) business days.

D. Adjudication by Judiciaries

1. Rights of Persons Subject to Student Conduct Hearings

- (a) The respondent (defined as any student accused of violating this Student Code) shall be entitled to a hearing.
- (b) The respondent may appear at the hearing during the presentation of the case on which a decision may be made. Should the respondent elect not to appear, all statements contained in the Charge Letter shall be considered true and accurate.
- (c) The respondent shall be entitled to present their case through statements, questions, witnesses (character witnesses are not permitted, only fact witnesses) and other forms of evidence.
- (d) The respondent shall be free from any assumption of responsibility for any violations under which they are charged.
- (e) The respondent shall be entitled to be accompanied by an advisor of their choice. This advisor may also be the Student Advocate if so desired. The advisor's role must be passive and limited to advising the student as to whether the student should answer or should not answer questions. The advisor is not allowed to question any individual at the hearing, including the Student Conduct board. The chairperson and the procedural officer may disqualify the advisor from any further participation and/or direct their removal should this be violated.
- (f) The respondent 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.

- (g) The decision of the Student Conduct body shall be made on matters presented at the hearing including documentary evidence and/or testimony.
- (h) The College will make a record of the events of the hearing that will be retained in its custody. A reporting individual or respondent may request, in writing, a transcript. The College would forward the digital record to a vendor, pre-approved by the College, and all cost for the transcript would be the responsibility of the requesting party.
- (i) The respondent shall be provided the Charge Letter as acted upon as written notice of the results and findings of the hearing and to an explanation of the decisions rendered against them within ten (10) working days.
- (j) Included in the written notice of the results of the hearing, a person found responsible will be notified of their right to appeal the decisions of the Student Conduct body. Should they 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.
- (k) All Student Conduct Hearings are closed to the public.

2. Rules of Procedure

The following rules of procedure are established for use by all Student Conduct bodies. In the absence of established judiciaries, the Director of Student Conduct and Community Standards or designee or designated Administrative Officer shall hear cases normally referred to judiciaries.

- (a) **Quorum:** The Student Conduct body must achieve a quorum before the case may be adjudicated; provided, however, that the respondent 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 Student Conduct 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 Sanction Range assessment stage which may include past violations of the Campus Regulations. The advisor may also be interviewed by the judiciary in assessing a Sanction Range 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 and ensure all parties and their witnesses direct their questions through the chair,
 - (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 Student Conduct body, and
 - (8) ensure that established procedures are followed.

- (f) **The Student Conduct Body:** The Student Conduct body shall then seclude themselves and confer as to each item of Charge Letter, and they shall decide as a body whether each item of the Charge Letter has been established by a preponderance of evidence. The truth or falsehood of each factual allegation appearing on the Charge Letter shall be termed a “question of fact” for the purposes of the Student Conduct process.
- (g) **Sanction:** After acting upon the Charge Letter as provided in the foregoing subsection, the Student Conduct body shall then consider whether those items of the Charge Letter 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 Student Conduct body will review the respondent’s disciplinary record in selecting an appropriate sanction.
- (h) **Chairperson:** The chairperson shall furnish a copy of the Charge Letter, as acted upon, to the Director of Student Conduct and Community Standards or designee. Within 10 working days of the hearing, the Director of Student Conduct and Community Standards or designee will then send written notification of the decision to the respondent.
- (i) **Special Cases involving Notification of both parties:** In cases involving charges for sexual harassment, sexual assault, rape, intimate partner abuse and stalking, both parties will be notified simultaneously and in writing of the result of the disciplinary proceeding, any appellate procedures available to both parties, any changes to the result of the hearing that may occur prior to the time the result becomes final, and when the result becomes final.

3. The Structure of the Student Conduct Process

(a) The Student Conduct Board

- (1) Membership: The Student Conduct Board will be appointed by the President as follows:
 - a. At least three (3) permanent members from the faculty/staff recommended by the Vice President for Academic Affairs and/or the Director of Student Conduct and Community Standards or designee.
 - b. At least three (3) permanent members 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 Student Conduct sanction(s) within the past year.
 - c. A hearing committee will be comprised of one (1) student and two (2) faculty/staff members.
- (2) Jurisdiction: The Student Conduct Board 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 responsible was rendered at the Initial Conference.
 - b. alleged violations that occur within the Residence Halls for which a plea of not responsible was rendered at the Initial Conference and for which, if found responsible, the possible and/or probable range of penalties includes Suspension or Expulsion.
- (3) Sanctions: The Student Conduct Board 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 Sanction Range.

(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 respondent 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 the respondent is sent notification via New Paltz email of the findings and sanctions imposed as a result of an Administrative Hearing or a hearing conducted by the Student Conduct Board, they may exercise their right to submit an electronic letter of appeal to the Assistant Vice President for Student Affairs/Dean of Students. If just cause is demonstrated to exist, then a new hearing will be conducted as indicated in 2(a) or (b) below. Please note that the Appeal Officer has the discretion to review the case and modify the original disciplinary action and sanction.
- (b) As dictated by Title IX (sexual violence) and Violence Against Women Act (VAWA) a victim in such a case has the right to appeal a Student Conduct finding. The victim can request an appeal within three (3) days. The respondent will receive notification of the request to appeal and may submit a statement contesting the victim's request to appeal within three (3) working days. The appeals panel, consisting of the Assistant Vice President for Student Affairs/Dean of Students and the Title IX Coordinator, will consider both the appeal request and the respondent's statement. The decision of the appeals panel is final.
- (c) The Assistant Vice President for Student Affairs/Dean of Students has the discretion to delegate the authority to review and hear appeals to another Administrative Officer of the College. For appeals regarding Administrative Hearings conducted by Resident Directors, the Director of Student Conduct and Community Standards or designee will serve as the appeal officer, unless an alternate is designated.

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 respondent has received written notice of the decision, (as described in Part IV, Section D, 1, (i)); (b) immediately after the Assistant Vice President for Student Affairs/Dean of Students or the Director of Student Conduct and Community Standards or designee 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)-(12), 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 as noted in (1)-(12) below.
- (c) **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 as noted in (1)-(12) below.
- (d) **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 both in person and online classes. A suspended student may not enter any part of the campus without specific authorization from the Director of Student Conduct and Community Standards or designee. Persons who reside on campus shall remove their belongings from their place of residence within 24 hours of notice that the Sanction Range of Suspension has been executed. Suspension from the college will result in a notation on the student's academic record. Any student who is suspended will be blocked from registering for classes and must contact the Director of Student Conduct and Community Standards or designee prior to returning to the college. A suspended student is liable for all applicable tuition, fees and room and board costs (if applicable) incurred during that semester. Please see p. 38 Section H(8) regarding grades. If a student should choose to return to the college after a period of Suspension, the student will be placed on one-year of Disciplinary Probation, during which time any further violation of campus policy will result in a minimum of Suspension Held in Abeyance or Suspension from the college with no judicial hearing.
- (e) **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 Director of Student Conduct and Community Standards or designee. Persons who reside on-campus shall remove their belongings from their place of residence within 24 hours of notice that the Sanction Range 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. An expelled student is liable for all applicable tuition, fees and room and board costs (if applicable) incurred during that semester. Please see p. 38 Section H(8) regarding grades.

Special Conditions that are deemed relevant and appropriate to the particular offense can be added to the sanction at the discretion of the Director of Student Conduct and Community Standards or designee, Director of Residence Life, or Residence Hall Director. These conditions include, by way of example, but not way of limitation:

- 1) 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 Student Conduct body. A person who has been denied campus residency must vacate their 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. A student denied campus residency is liable for all room charges incurred for that semester. Please see p. 38 Section H(8) regarding grades.
- 2) 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 Student Conduct 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.
- 3) Being placed on Disciplinary Probation upon return from a period of Suspension
- 4) Completion of an educational program
- 5) 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 Student Conduct Officer.
- 6) Withdrawal of the privilege of operating a motor vehicle on-campus
- 7) Withdrawal of the privilege of possessing or using sound amplifying equipment in the Residence Halls
- 8) Requiring Financial Restitution for labor, damage, or other material loss to the institution or member(s) of the College community
- 9) Revocation of guest privileges
- 10) Service or work assignments
- 11) Relocation of on-campus residence
- 12) Restriction from specific campus buildings, areas, or facilities

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 Student Conduct 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 Student Conduct appeals process, but shall involve consultation with the student.

2. Housing License Revocations

The Department of Residence Life reserves the right to cancel a student's Residence Hall License if they engage in behavior that may include but not be limited to the following:

- 1) Behavior that poses a danger to others.
- 2) Behavior that is disruptive and/or destructive to the Residence Hall environment.
- 3) Behavior that interferes with the educational mission of the University and/or the academic pursuits of other residents. For complete information, consult the Housing Handbook at www.newpaltz.edu/reslife/housing-handbook

3. Revocation of Guest Privileges

The Office of Student Conduct and Community Standards and/or the Department of Residence Life have the discretion to revoke a student's guest privileges due to behavior that is disruptive or destructive to the residence hall environment.

4. 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 poses a danger of causing physical harm to others or which would cause significant property damage, or directly and substantially impede the lawful activities of others may be required to leave the College. The Vice President for Student Affairs or Director of Student Conduct and Community Standards or designee 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 they 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 the student's behavior poses a danger of causing physical harm to others or significant property damage, or directly and substantially impedes the lawful activities of others, 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 their 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 their designee may consult with the student's parent, spouse, or other close relative. If the student (or their 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.

5. No Contact Orders

No Contact Orders are issued only at the discretion of the Director of Student Conduct and Community Standards or designee. A No Contact Order may be used to support interim remedies/measures – e.g. changes in residential accommodations or academic scheduling. Upon request and consistent with institution policies and procedures, parties will be afforded a prompt review, reasonable under the circumstances, of the need for, and terms of a No Contact Order, including potential modification, and shall be allowed to submit evidence in support of their request.

A No Contact Order is an interim supportive measure and administrative directive (Official Request) to both a reporting individual and accused (or respondent), or any students the university deems appropriate, which prohibits all contact (in person or through other means) until parties are notified otherwise. This includes all contact made which can be considered verbal, nonverbal, physical, electronic, mail/written letters, email, social networking sites, phone calls, text messages, and/or voicemail. In addition, this directive extends to all action, which may occur as a result of 'third parties' (friends, family members or acquaintances) acting on the student's behalf (other than an attorney.) Any action that is perceived as actual or threatened retaliation, harassment or intimidation to interfere with a person's rights or obstruct with proceedings is prohibited. It is the responsibility of the student served the No Contact to inform third parties that they are not permitted to communicate with the other individual(s) about the student, or deliver messages or information. No Contact Orders remain in effect as long as the students are enrolled at New Paltz, even between semesters or during breaks, and wherever they may be geographically located at any time.

Failure to comply with an Official Request is a violation of the College's Student Conduct code and will result in further disciplinary action against the individual assigned the No Contact Order, even if a third party violates the code on that student's behalf.

H. Records

1. Disciplinary Records

A record of all actions by Administrative Hearing Officers and Student Conduct Hearing Boards are to be compiled and transferred under confidential cover to the Director of Student Conduct and Community Standards or designee 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, Student Conduct hearing board members, Student Conduct appeals officers, and any others authorized in writing by the President or the Vice President for Student Affairs.

5. Academic Transcript Notation Policy

Under New York State legislation passed in 2015, Colleges and Universities must comply with the following:

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

while such conduct charges are pending, institutions shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.”

A student who has been Expelled from the College for any violation of campus regulations will have their Student Conduct sanction permanently noted on their academic transcript. Notations for expulsion shall not be removed.

In cases resulting in Suspension, with the exception of those outlined above, the transcript notation will be removed at the end of the period of Suspension. For a student who chooses to withdraw or take a Leave of Absence from the college while conduct charges are pending, the student will still be notified in advance of the date, time and place of their Initial Conference/ Administrative Hearing or Student Conduct Hearing. If the respondent elects not to appear, the proceeding will be conducted in absentia, and all statements contained in the Charge Letter shall be considered true and accurate and appropriate administrative action shall be taken by the Director of Student Conduct and Community Standards or designee.

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 Sanction Range or required remedial action has been carried out according to the student’s notice of disciplinary or administrative action.

7. Official Requests/Holds

The Office of Student Affairs reserves the right to place a hold on student records, and registration if the student fails to respond to an Official Request from the Office of Student Affairs. When a student is being charged with a violation of Campus Rules or Administrative Regulations, a HOLD may be placed on a student’s ability to register for future semesters until the case is adjudicated and the appeal process is complete. If a student chooses not to appear for the Student Conduct proceeding, the hearing will move forward in absentia.

8. Grades

A student who is expelled or suspended from the college will receive the grades of F* for all the courses during the semester in which the expulsion or suspension occurred. Expelled or suspended students cannot receive incompletes or finish any prior incompletes during the semester in which they are expelled or suspended. Students are liable for all appropriate tuition, fees, and room & board if applicable.

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 but may be defined as bigotry, harassment, or intimidation against an individual or group. Actions based on belief or perception regarding race, color, ancestry, gender, gender identity, sexual orientation, religion, religious practice, age, disability, national origin or immigration status, regardless of whether the belief or perception is correct may be addressed through the State University’s Non-Harassment/Non Discrimination Policy or the campus conduct code. Bias incidents can be reported to the Office for Compliance and Campus Climate/Affirmative Action and/or to the Office of Student Affairs.

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 Personal 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, and make related recommendations if necessary. In addition, the Personal Safety Committee also offers recommendations for educational programming and/or safety measures that address or support awareness of sexual violence prevention.

D. Prevention of Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Abuse

The State University of New York at New Paltz has numerous educational and training programs in place to raise awareness and encourage reporting by all members of the campus community. Members of the campus community should report sexual assault, sexual harassment, stalking and intimate partner abuse and are encouraged to be familiar with the Student Handbook at www.newpaltz.edu/studentaffairs/regulations.html and the Title IX website at www.newpaltz.edu/titleix/. We require training for student athletes and student leaders, including but not limited to: Resident Assistants, Athletics “STAR Mentors” (Students Trained as Resources – up to 5 per team), Orientation Leader/Peer Mentors, EOP Peer Mentors, Scholars Mentorship Program Liaisons, Student Activities Mentors, Fraternity and Sorority Members, etc.) We encourage all students to attend educational programs provided by the University concerning these issues.

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/firesafety/safetyreport.html. Information can also be obtained from the U.S. Department of Education Web site at: www.ed.gov/admins/lead/safety/campus.html.

F. Reporting Under Alcohol/Drug Amnesty Policies-Good Samaritan and Self Reporting

The purpose of this policy is to increase the likelihood that medical attention is provided to students who need it due to alcohol intoxication or use of drugs by removing impediments to seeking such assistance. This policy is intended for use in isolated situations; therefore, it does not excuse or protect those who flagrantly or repeatedly violate College policy.

1. Good Samaritan Policy: The spirit of the Good Samaritan is that we all have an ethical responsibility to help people in need. SUNY New Paltz expects that students will take an active role in protecting the safety and well-being of their peers and the College community. In order to promote this, when a student assists an individual who is intoxicated or under the influence of drugs in procuring medical assistance, that student may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. The caller may be required to meet with the Director of Student Conduct and Community Standards or designee to discuss the incident.

2. Medical Amnesty Policy: When a student is intoxicated or under the influence of drugs and seeks medical assistance, they may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. Upon receiving a report that a student needs medical assistance, College staff will respond through University Police to obtain EMS services, and responding officials will use standard procedures for documenting information and collecting identification of all persons involved. Student Conduct charges will be deferred, and will be dismissed upon successful completion of any recommended alcohol and/or drug intervention. Failure to successfully complete the recommended alcohol and/or drug program may result in Student Conduct action.

Amnesty will not extend to other conduct violations associated with the incident, including but not limited to distribution of drugs, hazing, vandalism, or sexual assault. Amnesty can only extend to College Student Conduct processes and does not protect students from criminal or civil penalties.

Upon receipt of an incident report/police report, in regards to an alcohol or drug transport, the following will occur:

- The student may be required to obtain an alcohol or drug assessment from the College Prevention Coordinator. If assessment is required, a copy of the assessment report will be sent to the Director of Student Conduct and Community Standards or designee and the Director of Residence Life.
- Parental Notification Policy: If the student is under the age of 21, the College notifies the parents/guardians of students whose consumption of alcohol or drugs results in the student being transported. The student will meet with the Director of Student Conduct and Community Standards or designee to discuss the Parental Notification Letter before notification is sent.
- A second transport may not invoke the above Good Samaritan Policy or Medical Amnesty Policy.

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

Information Regarding Bias & Hate Crimes Prevention



Hate Crimes and the Law

SUNY New Paltz is committed to protecting all members of the New Paltz campus by preventing, addressing and pursuing appropriate legal action for bias or hate 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. Such crimes are evaluated by the Ulster County District attorney who makes a determination as the charges that may apply. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

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) as well as the peer crisis intervention center, OASIS/HAVEN. Both The PCC and OASIS/HAVEN support access for victims through liaison/ referral relationships with front line campus services, such as University Police, the Director of Student Conduct and Community Standards or designee and Residence Life.

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 <https://www.newpaltz.edu/police/clery-compliance/annual-security-and-fire-safety-reports/>.

The State University of New York at New Paltz Police takes seriously the imperative to address bias-related activities that do not rise to the level of a crime but may be defined as bigotry, harassment, or intimidation against an individual or group. Actions based on belief or perception regarding race, color, ancestry, gender, gender identity, sexual orientation, religion, religious practice, age, disability, national origin or immigration status, regardless of whether the belief or perception is correct may be reported through the Bias Response reporting process.

Bias Reporting Process

The Bias Reporting and Response process will help individuals on campus who wish to report and/ or seek support following a bias-related incident: <https://www.newpaltz.edu/biasreportingform>. The reporting processes will connect you with appropriate college authorities who will acknowledge the report, respond with appropriate support measures and help the college understand and track these incidents in order to identify where improvements in community education or changes to practices may be useful.

We encourage students and employees to complete this form if you would like to report concerns and experiences related to bias. Upon receipt of a report, the response team will consult to determine the appropriate units and/or departments that would be best positioned to address the concern reported. Each report will be reviewed, and member(s) of a response team will be assigned to provide initial intake and offer support and resources as appropriate. Members of the team will serve as points of contact for the reporting individual throughout the process.

We understand that there may be hesitation to report while still under the supervision of an individual you are reporting or while still a student in class or program where bias has occurred. We still encourage you to report your concerns and can discuss the timing of addressing your concerns under these circumstances. The College takes all reports seriously however, our ability to take action on anonymous reports, depending on the information that is shared, may be limited.

The reporting process will be coordinated through the Office of the Chief Diversity Officer and a response team will be comprised of representatives from Human Resources, Academic Affairs, and Student Affairs. The response team will be a coordinating body and will include existing college resources in addressing reported concerns. The response team does not have purview over the creation of new policies or rules; rather, it will work within existing College rules and policies (i.e. Non-Discrimination/Non-Harassment Policy, Student Conduct regulations etc). In addition, the Bias Response Team may propose new policies or practices to the leadership of the College for appropriate consideration, review and/or implementation.

Reports that fall under Title IX including sexual harassment, sexual discrimination, sexual assault, and domestic and interpersonal violence should be reported through the Title IX reporting process as explained here <https://www.newpaltz.edu/titleix/>

Some reports may not rise to the level of Student Conduct action (in the case where a student is accused) or disciplinary action (in the case where an employee is accused). However, any information you can share will help us better understand experiences of exclusion and teach us all about building a stronger sense of community.

The building of inclusive communities that value respect, integrity, and dignity is a continuing and active process. Understanding when members of our community experience bias is a necessary part of examining and cultivating a healthy, anti-racist and inclusive community. SUNY New Paltz is committed to this work and aspires to provide a campus where inclusion drives excellence and where the different and varied human experiences of our community members can thrive, are celebrated and supported.

Institutional Response to the use of Alcohol, Cannabis/Marijuana & Illicit Drugs



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, Cannabis/Marijuana 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,

A handwritten signature in black ink, reading "Darrell P. Wheeler". The signature is written in a cursive, flowing style.

*Darrell P. Wheeler
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, Cannabis/Marijuana 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

The State University of New York at New Paltz has promulgated and enforces the following policies related to Illicit Drugs, Cannabis/Marijuana and Alcohol:

1. Illicit Drugs and Controlled Substances Policy

- 12.01 No person shall use, possess, manufacture, or have under their 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, heroin, opiates, barbiturates, amphetamines, organic or synthetic, depressants, stimulants and hallucinogens or any other substance specifically prohibited or controlled by Federal or State law.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion. Special conditions include: educational and/or clinical intervention, and parental notification if applicable.)

- 12.02 No person shall use, possess, manufacture, or have under their 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, heroin, opiates, barbiturates, amphetamines, organic or synthetic, depressants, stimulants and hallucinogens or any other substance specifically prohibited or controlled by Federal or State law.

(Sanction Range: Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion. Special conditions include: educational and/or clinical intervention, and parental notification if applicable.)

2. Cannabis/Marijuana Policy

No person shall use, possess, sell, purchase, cultivate, process, manufacture or give away Cannabis/Marijuana or its derivatives (tinctures, topicals, edibles etc.) in any form, anywhere on the college campus. This includes SUNY property: public spaces, residence halls, office buildings, university-owned and leased buildings, parking lots, and at all SUNY events or while conducting university business, except for approved academic research. Medical marijuana is prohibited on campus property as well.

(Sanction Range: Warning Probation, Disciplinary Probation, Suspension Held in Abeyance, Suspension or Expulsion, and possible special conditions)

- 25.01 Sale, distribution or provision of Cannabis/Marijuana to those under 21 (on or off-campus)
No person shall sell, offer for sale or otherwise attempt to distribute Cannabis/Marijuana to any person under the age of 21.
- 25.02 Sale, Distribution or Provision of Cannabis/Marijuana (on or off-campus) No person shall sell, offer for sale or otherwise attempt to distribute Cannabis/Marijuana to any person.
- 25.03 Driving While Ability Impaired or Smoking Cannabis/Marijuana
No person shall drive on the college campus while ability impaired by or while smoking Cannabis/Marijuana.

3. Alcohol Policy

No person shall possess, sell, or give away alcoholic beverages without proper authorization. (See policy on "Use of College Facilities/Grounds" and "Alcohol on Campus" 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.

- 1.01 Students under the age of 21 may not possess or use alcoholic beverages on the college campus.
- 1.02 Students 21 or older may possess alcoholic beverages in their residence hall room, but cannot exceed moderate amounts, nor store any alcohol outside of their residence hall room. Students over 21 living in a suite style residence must keep alcohol in their own assigned bedroom, unless all residents of the suite are over 21. Students 21 or older cannot drink in the presence of any person under 21 in any residence hall (with the exception of an assigned roommate).
- 1.03 Persons over 21 are prohibited from providing alcohol to a minor or an intoxicated individual. Any guest (student or non-student) 21 years of age or older, who is visiting a resident under the age of 21, is not allowed to bring alcohol into the residence halls.
- 1.04 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.
- 1.05 Possession of empty or decorative containers of alcohol, or alcohol paraphernalia (kegs, funnels) is prohibited.
- 1.06 Driving on campus while intoxicated or ability impaired is prohibited.
- 1.07 Students under the age of 21 may not be in the presence of alcoholic beverages on the college campus. The only exception is the underage student who resides with students of legal drinking age and may be in the presence of alcohol in the assigned residence; provided the underage roommate does not possess, distribute, sell or consume alcohol.
- 1.08 Students may not be highly intoxicated on the college campus, e.g. vomiting, losing consciousness, losing the ability to independently ambulate, and/or losing the ability to speak clearly due to the ingestion of alcohol.
- 1.09 Games of chance, drinking games, contests, and other activities that induce, encourage, or result in the rapid consumption of alcohol are prohibited. (e.g. Beer pong, flip cup, etc.)

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

(Sanction Range: from Warning Probation to Suspension, educational and/or clinical intervention, a mandated educational program 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. Penalties for Drug Possession and Sale

A. NY State Schedule of Drugs

Schedule I:

Opiates such as Benzethidine, Clonitazene, Heroin. Hallucinogens such as LSD, Mescaline, Quaalude, Psilocybin, Peyote, MDMA (Ecstasy), and MDA.

Schedule II:

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

Schedule III:

Certain barbiturates such as Amobarbital and Codeine containing medicines such as Ketamine, Gamma hydroxybutyric acid (GHB), Codeine-based cough suppressants and all anabolic steroids.

Schedule IV:

Barbiturates, narcotics and stimulants including but not limited to Barbitol, Clonazepam, and Triazolam.

Schedule V:

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

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 eight or more ounces of cocaine (section 220.21 NYS Penal Law) is a class A-1 felony, punishable by a minimum of 15-25 years and a maximum of life in prison. 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 suspension of license for first offense.

■ Driving While Intoxicated (DWI) (BAC of .08 or more)

\$500 minimum fine, \$1,000 maximum fine, up to one year in jail and min. 6 month license revocation.

■ Felony Driving While Intoxicated (second DWI conviction in 10 years)

\$1,000 minimum fine, \$5,000 maximum fine, up to 4 years in jail and min. of one year license revocation.

■ Furnishing alcohol to persons under the age of 21

\$1,000 fine, 1 year in jail and/or probation.

■ **Possession of alcohol by persons under the age of 21**

\$50 fine per offense and/or completion of alcohol awareness program and/or 30 hours of community service.

■ **Use of false ID for alcohol purchase**

\$100 fine, 30 hours of community service.

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?

This law makes it illegal for a driver under age 21 to have consumed any alcohol. A police officer may temporarily detain you to request or administer a chemical test to determine your Blood Alcohol Content (BAC). If your BAC is .02 to .07 percent, you will be notified to appear at a DMV hearing. If the judge’s finding supports the charge, the Sanction Range is a 6-month license suspension, a \$125 civil Sanction Range, and a \$100 license re-application fee.

NOTE: If your BAC is .05 percent or greater, the police may charge you with driving while ability impaired (DWAI) or driving while intoxicated (DWI), and may prosecute your arrest in criminal court.

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 Sanction Range 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 Sanction Range 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 Sanction Range and a \$100 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 Sanction Range and a \$100 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.

F. New York State Law Cannabis/Marijuana

Penal Law 222.25 Unlawful Possession of Cannabis

If you knowingly and unlawfully possess cannabis or concentrated cannabis weighing in excess of three ounces or twenty-four grams respectively, you are guilty of a violation punishable by a fine equal to or less than \$125.00. A violation is not a crime.

Penal Law 222.30 Third Degree Criminal Possession of Cannabis

It is a crime to knowingly and unlawfully possess in excess of sixteen or fifty-three ounces or more of cannabis or concentrated cannabis respectively. If you do so, you are guilty of this class “A” misdemeanor and face a potential sentence of up to one year in jail.

Penal Law 222.35 Second Degree Criminal Possession of Cannabis

Possession becomes a class “E” felony if you knowingly and unlawfully have more than five or two pounds of cannabis or concentrated cannabis respectively. A conviction for this offense can leave you facing as little as one but as great as one- and one- half years in prison as well as one year post release supervision.

Penal Law 222.40 First Degree Criminal Possession of Cannabis

The most serious of all possession offenses, you run afoul of this class “D” felony if you have in excess of ten or four pounds of cannabis or concentrated cannabis respectively. Upon conviction a judge could sentence you for as much as one to two- and one-half years in prison followed by one year post release supervision.

Penal Law 222.45 Unlawful Sale of Cannabis

Not a crime, if you unlawfully sell or give cannabis or the concentrated variety, even if amounts that by themselves do not violate otherwise legal possession, you are guilty of a violation and face a fine not to exceed \$250.

Penal Law 222.50 Third Degree Criminal Sale of Cannabis

A sale, even if not for money, becomes a class “A” misdemeanor when you knowingly and unlawfully provide more than three ounces of cannabis or twenty-four grams of the concentrated substance to another person. Additionally, if you are twenty-one or older and sell or cause to be given either form of cannabis to an underage person no matter the amount, you are also guilty of this crime and also face up to one year in jail. Keep in mind that it is a defense to this latter subdivision if you are less than three years older than the recipient.

Penal Law 222.55 Second Degree Criminal Sale of Cannabis

You are guilty of this class “E” felony if you knowingly and unlawfully sell more than sixteen ounces of cannabis or even the slightest bit more than five ounces of concentrated cannabis. Additionally, prosecutors can charge you with this offense if you, being at least twenty-one years old, sell or give in excess of three ounces of cannabis or more than twenty-four grams of concentrated cannabis to someone who is under the age of eighteen. The potential Sanction Range for this crime is as great as one to one- and one-half years in custody as well as one year supervision upon your release.

Penal Law 222.60 First Degree Criminal Sale of Cannabis

When you knowingly and unlawfully sell these “drugs” in an amount more than five pounds for cannabis and two pounds for the concentrated type, you will find yourself charged with and potentially indicted for this class “D” felony. If convicted, the law allows for one to two- and one-half years in prison along with one year post release supervision.

Penal Law 222.65 Aggravated Criminal Sale of Cannabis

Although there is an enormous gap between the amounts of cannabis or concentrated cannabis when comparing this crime to the First Degree offense, you breach the threshold here if you knowingly and unlawfully sell any type of cannabis in an amount exceeding one hundred pounds. Should you do so, you would face a class “C” felony and as much as one- and one-half to five years in prison for a first offense followed by one- and one-half to three years post release supervision.

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 they 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)

845-257-2920 www.newpaltz.edu/counseling

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

OASIS Peer Hotline

8 p.m.–1 a.m., (closed during breaks), 845-257-4945

(OASIS is a subsidiary of the Psychological Counseling Center)

- Peer walk-in and hotline services

Student Health Service

Student Health & Counseling Center

(round building across from Gage Hall)

845-257-3400 www.newpaltz.edu/healthcenter

- Medical evaluation and treatment
- Physician counseling and general information

Employee Assistance Program

Student Union 336, 845-257-2886

- Confidential referral services for all College employees

Student Association Attorney

vk@kossoverlaw.com, 845-255-4655

- Free consultation for students

Jaclyn Cirello, Coordinator of Wellbeing Initiatives & Outreach

Student Union 312 845-257-3028

- Alcohol, Tobacco and Other Drug Research and Educational Programming

B. Off-Campus

Ulster County Mental Health Services

560 Rt. 299, Highland, NY 845-340-4110

- Individual & Group Counseling; Crisis Services
- Mandatory DWI treatment program

Mental Health Association in Ulster County

Kingston, NY 845-336-4747

- Provides information and referral to support groups and private practitioners

Family of New Paltz

51 N. Chestnut Street, New Paltz, NY 845-255-8801

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

New Paltz Community Education Coordinator

845-256-5014

Ulster County STOP DWI

Kingston, NY 845-340-3448

- Victim Impact Panels
- TIPS Training and other services

C. Numbers to Call**A.A.** (Alcoholics Anonymous and Al-Anon)

Ulster 845-331-6360

Dutchess 845-452-1111

National Helpline for Substance Abuse and Mental Health Services

1-800-SAY-NO-TO (845-729-6686)

N.A. (Narcotics Anonymous)

845-431-9011

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 Addictions Hotline

Hotline 1-800-522-5353

Poison Control Info

1-800-222-1222

Information Regarding Title IX (Sexual Violence), Stalking, and Interpersonal Violence (Intimate Partner, Dating or Domestic)



Under new federal Title IX Regulations, which were implemented on August 14th, 2020, some policies and procedures may have changed. Please view our Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations at <https://www.newpaltz.edu/titleix/title-ix-resources/general-resources/>.



I. Introduction

This section of the Student Handbook contains important information specifically pertaining to sexual harassment, sexual discrimination, sexual assault, rape, stalking and interpersonal (intimate partner) violence as well as the reporting process, support services and educational programming available. As with all college policies, students are responsible for understanding their rights and responsibilities as members of the New Paltz Community.

Title IX of the Education Amendments was passed by the U.S. Congress in June 1972. Though most notable for advancing equity in girls and women's sports, Title IX provides federal civil rights that prohibits sex discrimination in education programs and activities such as:

- Admissions or Student Financial Services
- Housing and Facilities
- Courses, Academic Research and other Educational Activities
- Career guidance, Counseling or other Educational Support Services
- Athletics (Scholastic, Intercollegiate, Club, or Intramural)
- Employment, Training for Employment or Advancement in Employment

The protections of Title IX also extend to sexual harassment, and sexual assault, or violence that impairs or interferes with access to equitable educational and employment opportunities. Title IX is applicable to all members of the campus community, individuals doing business with the campus, those utilizing campus facilities, those who engage in volunteer activities or work activities in connection with or for SUNY New Paltz.

The College is committed to ensuring a community that is safe for all who study, live, work and visit here. Immediate notification to the Title IX Coordinator, Director of Student Conduct and Community Standards or designee or one of the many listed resources <https://www.newpaltz.edu/titleix/title-ix-resources/general-resources/> is critical to fulfilling our commitment to you. We understand that sexual discrimination, harassment, assault, sexual violence, and interpersonal violence (intimate partner violence) may be difficult to report but immediate reporting allows for the best possible efforts to support victims and investigate incidents. Delays in reporting may limit the type or effectiveness of responses from the College, law enforcement and external resources. Delays may impact physical evidence and access to witnesses that may assist us in investigating and responding. More broadly, delays in reporting can prevent the College from understanding if a pattern of risk or behavior is developing.

The College will make every effort to keep the confidentiality of any person(s) who report(s) a concern or incident. However, we cannot guarantee unqualified confidentiality as we must also balance the safety of other members in our community. The College's ability to address and respond to claims is dependent on the honest and willing engagement of participants in the process. Any person who reports in good faith or participates in the investigative process may expect respectful treatment and equitable access to the resources and process described in this handbook. Retaliation against anyone who reports in good faith or participates in the investigative process is taken seriously by the College and is prohibited.

Sexual violence, discrimination and harassment is not limited to the College environment, sadly it is also prevalent in our larger society. As members of the New Paltz community it is important that you recognize the behaviors that contribute to these acts and understand what you can do for yourself or others if confronted with these behaviors. Sexual violence, discrimination and harassment can take many forms and can happen to anyone regardless of race, sex, gender, gender identity, gender expression, sexual orientation, age, socioeconomic status, or length of time the individuals have known each other. Sexual assault or rape includes any sexual contact that lacks clear, unambiguous, and affirmative consent. Affirmative consent is defined as a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Harassment and interpersonal violence (intimate partner, dating or domestic) may take the form of physical force, stalking or the distribution, the display or discussion of any written, graphic, visual or auditory material that has the purpose or effect of threatening, intimidating or interfering with a person or person's ability to study or work. We also know that consumption of alcohol and/or drugs contribute to these types of behavior and increase the risk of becoming a victim or a perpetrator.

For individuals who disclose information through a public awareness event such as candlelight vigils, protests, or other public events, the institution is not obligated to begin an investigation based on such information. The institution may use the information provided at such an event to inform its efforts for additional education and prevention efforts.

We encourage you to become familiar with this information and share it with your friends. We are here to provide you with information and support so that you can make informed decisions.

II. What To Do Immediately Following Rape, Sexual Assault, Stalking or Interpersonal Violence (Intimate Partner Violence)

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 apartment or to your Resident Assistant and/or Resident Director. Tell someone you trust so that they can offer emotional support. You can always call or go directly to University Police or Town of New Paltz Police.

If There Is Physical Contact: (Rape, Sexual Assault, Interpersonal Violence)

To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, brushing your teeth or doing anything to alter physical appearance until after a physical exam has been completed. The presence of any relevant evidence will be useful should you choose to report the incident and/or press charges at any time. Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: <https://ovs.ny.gov>, or by calling 1-800-247-8035.

Report incidents of rape, sexual assault, stalking and interpersonal violence to:

University Police or the appropriate police jurisdiction, Title IX Coordinator or Director of Student Conduct and Community Standards or designee. These offices will work together to support and guide you. You can also seek support for reporting from the offices listed in the resource section.

Seek Counseling:

Through the Psychological Counseling Center, HAVEN and OASIS and/or Ulster County Crime Victims.

III. Students' Bill of Rights: Reporting Individual

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

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the Student Conduct or conduct process and/or criminal justice process free from pressure from the institution;

4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
 - (a) the right to review or request a copy of documentation in the Student Conduct file, upon written request to the Director of Student Conduct and Community Standards or designee
 - (b) the right to be present at a Student Conduct Hearing conducted for the respondent in response to charges filed by you or by the College on your behalf.
 - (c) the right to be given the option to not testify face-to-face as long as it does not infringe upon the rights of the respondent to have a fair hearing.
 - (d) the right to provide the hearing body with a statement of the incident and the right to question the respondent and all witnesses.
 - (e) the right to provide a written impact statement to the Student Conduct board.
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
 - (a) 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.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
 - (a) the right to have all discussion of past history or behavior on the part of the reporting individual limited to that which is relevant to the case.
7. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
8. Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. The right to know the outcome of the hearing including any sanctions imposed upon the respondent and whether the respondent will continue to be enrolled in the College and access to at least one level of appeal of a determination; by a panel consisting of the AVP for Student Affairs and the Title IX Coordinator.
 - (a) the College will make a record of the events of the hearing that will be retained in its custody.
 - (b) A reporting individual or respondent may request, in writing, a transcript. The college would forward the digital record to a vendor, pre-approved by the college, and all cost for the transcript would be the responsibility of the requesting party.
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the Student Conduct or conduct process including during all meetings and hearings related to such process;
 - (a) This person may be the Student Advocate if so desired. The advisor's role must be passive and limited to advising the student as to whether the student should answer or should not answer questions. The advisor is not allowed to question any individual at the hearing, including the Student Conduct board. The chairperson and the procedural officer may disqualify the advisor from any further participation and/or direct their removal should this be violated.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or Student Conduct or conduct process of the College.

Options in Brief:

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

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit <http://www.newpaltz.edu/police/forms/silentwitnessform.html>)
- Make a report to:
 - o An employee with the authority to address complaints, including the Title IX Coordinator, Director of Student Conduct and Community Standards or designee, Student Affairs employee, or a Human Resources employee;
 - o University Police;
 - o Local law enforcement; and/or
 - o Family Court or Civil Court.

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

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

V. Sexual Violence Reporting, Protection and Accommodations

The reporting and complaint procedure for the review of allegations of unlawful sexual harassment, discrimination, sexual violence, stalking, or interpersonal violence (Intimate partner violence) provides a mechanism through which New Paltz may identify, respond to and prevent conduct of this kind. The College recognizes and accepts its responsibility in this regard and believes that the establishment of an internal, non-adversarial complaint process will benefit student, faculty, staff and administration, permitting equitable investigation and resolution of concerns that are brought forth. In addition, based on information received, the AAO/Title IX Coordinator may exercise their discretion and initiate an investigation on behalf of the College community, with or without the cooperation or involvement of a complainant/victim.

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

A. Reporting:

- To disclose confidentially the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available at Title IX site www.newpaltz.edu/titleix;
- Anonymously via an internet or telephone anonymous reporting system <http://www.newpaltz.edu/police/forms/silentwitnessform.html>;
- SUNY New Paltz Psychological Counseling Center www.newpaltz.edu/counseling; and
- To disclose the incident confidentially and obtain services from the New York State, New York City or county hotlines, see: www.opdv.ny.gov/help/dvhotlines.html. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: www.opdv.ny.gov/help/index.html (or by calling 1-800-942-6906), and assistance can also be obtained through:
 - o NYSCADV: www.nyscadv.org/;
 - o Pandora's Project: www.pandys.org;
 - o RAINN: www.rainn.org/get-help
 - o Safe Horizons: www.safehorizon.org/

(note that these hotlines are for crisis intervention, resources and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases).

- To disclose the incident to one of the following college officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:
 - o Title IX Coordinator;
 - o Director of Student Conduct and Community Standards or designee
 - o University Police; and
- To file a criminal complaint with University Police and/or with local law enforcement:
 - o University Police 845-257-2222 (24 hours)
 - o Town of New Paltz Police Department 845-255-1323, 83 South Putt Corners Road, Suite 1, New Paltz, NY 12561
 - o State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269.
 - o To receive assistance from SUNY New Paltz in initiating legal proceedings in family court or civil court
- To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with SUNY New Paltz policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep their identity anonymous they may call the Title IX Coordinator anonymously to discuss the situation and available options (see Title IX site www.newpaltz.edu/titleix)
 - o Title IX Coordinator/Office of Human Resources, Diversity & Inclusion/Title IX; HAB 602, 845-257-3675; pachecot@newpaltz.edu
- When the accused is an employee, a reporting individual may also report the incident to the Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Employee Relations or Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the reporting individual, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.
 - o Human Resources Office; HAB 603, x3171
- Consensual Relationships between Faculty/Staff and Students: Relationships between a faculty member and a student, or a staff member (such as a coach, adviser, college administrator, or employment supervisor) and a student, are considered professional relationships. These professional relationships carry an inherent power differential. Where such a power differential exists, it compromises the real or perceived freedom of the student's ability to begin, alter or terminate a romantic or sexual relationship. Therefore, for faculty and staff, the initiation of or engagement in a romantic or sexual relationship with a student wherein a power differential exists is prohibited. For more information, please visit the following website: <https://www.newpaltz.edu/hr/policies--procedures-resources-and-information/consensual-relationship-policy/>
- You may withdraw your complaint or involvement from the SUNY New Paltz process at any time.
- Whenever possible, the Title IX Coordinator will work with the complainant and alleged offender to find an informal resolution (please note that the Office of Civil Rights does not permit informal resolution as an option in cases of rape/sexual assault). The goal is to acknowledge behavior and

risk of behavior, to raise awareness and prevent future occurrences. Both parties must be willing to engage in facilitated discussions or mediation. Either party may, at any time, change their mind about participating in the informal resolution process.

- If either party withdraws from the informal resolution process or if an informal resolution cannot be reached, then the Title IX Coordinator can guide you through the formal resolution process. The Title IX Coordinator will work closely with Student Affairs (for student claims) or Human Resources (in claims involving an employee) to determine the timing of an investigation, interviewing of witnesses and review of the evidence. Evidence is reviewed based on a standard of preponderance of the evidence; that means that the evidence gathered shows that the claim is more likely than not to have occurred. Findings and/or recommendations will be issued and if a violation is found, disciplinary action or sanctions as prescribed by policy or law will be imposed. The role of the Title IX Coordinator is to ensure equity for all parties, to serve as a resource for the adjudication processes and to bring forth timely communication and resolution.

B. Protections and Accommodations:

- When the accused is a student, to have the college issue a “No Contact Order,” meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with New Paltz policy. Parties may submit evidence in support of their request.
- To have assistance from University Police or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from University Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of University Police or, if outside of the jurisdiction to call on and assist local law enforcement in effecting an arrest for violating such an order. The College will comply with law enforcement request for cooperation. Such cooperation may require that the College temporarily suspend fact-finding efforts of the investigatory process, so as to allow law enforcement to gather evidence. The College will resume the investigation as soon as law enforcement provides notification that their evidence gathering is completed and that the College’s process will not jeopardize law enforcement efforts.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension.
- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and [College/University] policies and rules.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request

a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following offices can serve as a point to assist with these measures:

- Director of Student Conduct and Community Standards or designee; HAB 702, 845-257-3261
- Title IX Coordinator; HAB 602, 845-257-3675

C. Student Conduct Process:

- To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the New Paltz Student Handbook www.newpaltz.edu/studentaffairs/regulations.html as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
- Throughout conduct proceedings, the respondent and the reporting individual will have:
 - o The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct.
 - o The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
 - o The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
 - o The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
 - o The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay. (See Protections and Accommodations, p. 53)
 - o The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the New Paltz
 - o The right to present evidence and testimony at a hearing, where appropriate.
 - o The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
 - o The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
 - o The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
 - o The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

- o The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- o The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- o Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- o The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- Director of Student Conduct and Community Standards or designee, 257-3261, HAB 702
 - o The right to choose whether to disclose or discuss the outcome of a conduct hearing.
 - o The right to have all information obtained during the course of the conduct or Student Conduct process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

D. Resources:

To obtain effective intervention services, you may draw upon the following resources:

On-Campus:

University Police

24 hr.

845-257-2222

www.newpaltz.edu/police

Director of Student Conduct and Community Standards or designee

8:30 a.m.–5 p.m., Monday–Friday

845-257-3261

www.newpaltz.edu/studentaffairs

Psychological Counseling Center (there is no cost to accessing these services)

8:30 a.m.–5 p.m., Monday–Friday

845-257-2920

24 hour counselor for crisis response at same number

www.newpaltz.edu/counseling

Title IX Coordinator, Office of Human Resources, Diversity & Inclusion/Title IX

8:30 a.m.–5 p.m., Monday–Friday

845-257-3675

www.newpaltz.edu/titleix

LGBTQ Coordinator, Office of Human Resources, Diversity & Inclusion/Title IX

8:30 a.m.–5 p.m., Monday–Friday

845-257-3675

<http://www.newpaltz.edu/lgbtq/>

Student Health Service (there is no cost to access these services)

8:30 a.m.–4:30 p.m., Monday–Friday

845-257-3400

www.newpaltz.edu/healthcenter

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available. Testing for STIs and emergency contraception is available on campus. The Student Health Center provides free exams; lab tests sent off campus require a co-pay based on your insurance. (For the Anonymous/Free Clinic, see the 'STD Clinic of the Ulster County Health Department' listed in Off Campus Resources that follow.)

HAVEN (Peer Hotline)
Sexual Assault, Rape & Relationship Violence
8 p.m. –1 a.m., 7 days a week (closed during all breaks)
845-257-4930
www.newpaltz.edu/counseling

Oasis (Peer Crisis Hotline)
8 p.m. –1 a.m. (closed during all breaks)
845-257-4945
www.newpaltz.edu/counseling

Residence Life Office
Capen Hall
845-257-4444 or 845-257-4445
www.newpaltz.edu/reslife

Off-Campus:

New Paltz Town Police
83 S. Putt Corners Rd., Suite 1
New Paltz, NY 12561
845-255-1323
www.newpaltzpolice.org

STD Clinic (Anonymous/Free) Ulster County Health Department
230 Aaron Court, Willow Park Office Complex
Kingston, NY 12401 (3 block walking distance from Trailways station)
845-340-3070 – questions Monday–Friday
845-340-3079 (when clinic is open: 5–8 p.m. every Monday evening)

Hospitals
Health Alliance of the Hudson Valley-Mary's Ave Campus
105 Mary's Avenue
Kingston, NY 12401
845-338-2500
www.hahv.org

Health Alliance of the Hudson Valley-Broadway Campus
396 Broadway
Kingston, NY 12401
845-331-3131
www.hahv.org

Mid-Hudson Regional Hospital
241 North Road
Poughkeepsie, NY 12601
845-471-2000
www.midhudsonregional.org

Vassar Hospital
45 Reade Place
Poughkeepsie, NY 12601

845-454-8500
www.healthquest.org/

Crime Victims Assistance Programs

Ulster County Crime Victims Assistance Program

5 Pearl Street

Kingston, NY 12401

9 a.m.–5 p.m.

845-332-5221 Cell Phone for Victim Advocate - Student Union 422 / Tues. & Fri. 9–5 or by appt.

845-340-3443 (Office)

845-340-3442 (Hotline)

845-334-8126 (TTY)

<https://ulstercountyny.gov/probation/crime-victim-assistance>

NYS Police Campus Sexual Assault Victims Unit

24 Hour Hotline 844-845-7269

<http://consentfirst.troopers.ny.gov>

Family Services, Inc.

29 North Hamilton Street

Poughkeepsie, NY 12601

845-452-1110

Hotline 845-452-7272

www.familyservicesny.org

NYS Office for the Prevention of Domestic Violence (OPDV)

NYS Hotline: 1-800-942-6906

www.opdv.ny.gov/index.html

VI. Assistance with Reporting

We encourage any member of the campus community to report, confidentially discuss, or raise questions and concerns regarding any instance of sexual assault, stalking or interpersonal violence (intimate partner violence). We also encourage anyone who is undecided about proceeding with criminal or campus charges as well as those who may not label a given experience as rape, sexual assault, stalking or interpersonal violence (intimate partner abuse) to speak to someone about their questions or concerns. Please contact the following offices for assistance and support.

Police Action and Criminal Information

University Police

845-257-2222

Emotional Support and Advice

Psychological Counseling Center

Student Health & Counseling Center Building

845-257-2920

Student Conduct Action and Administrative Support

Office of Student Conduct and Community Standards

HAB 702

845-257-3260

Administrative Support and Action

Resident Director/Resident Assistant

Office of Residence Life

845-257-4444

Harassment/Discrimination Issues
Affirmative Action Officer
HAB 602
845-257-3675

Peer Support
OASIS (Peer Crisis Line)
845-257-4945, 8 p.m.–1 a.m., (closed during all breaks)

HAVEN (Peer Hotline)
845-257-4930, 8 p.m.–1 a.m., (closed during all breaks)

Title IX Coordinator
The Office of Human Resources, Diversity & Inclusion
HAB 602
845-257-3675

VII. Campus Regulations, Definitions and Charges

Campus Regulations, Definitions and Charges can be found in Section III Part B of the Student Handbook. Definitions and Charges applicable to this section include but are not limited to:

- 9.00 Harassment/Stalking
- 16.00 Rape
- 17.00 Sexual Assault
- 18.00 Sexual Harassment
- 19.00 Interpersonal Violence (Intimate Partner, Dating or Domestic)

VIII. 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, oral or anal sexual conduct without consent or engaging in sexual intercourse with an animal or a dead body. The Sanction Range 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 Sanction Range 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.

IX. Prevention of Sexual Assault, Sexual Harassment, Stalking, and Interpersonal Violence (Intimate Partner, Dating or Domestic)

The State University of New York at New Paltz has numerous educational and training programs in place to raise awareness and encourage reporting by all members of the campus community. Members of the campus community should report sexual assault, sexual harassment, stalking and interpersonal violence (intimate partner violence) and are encouraged to be familiar with the Student Handbook at www.newpaltz.edu/studentaffairs/regulations.html and the Title IX website at www.newpaltz.edu/titleix/. We require training for student athletes and student leaders, including but not limited to: Resident Assistants, Athletics “STAR Mentors” (Students Trained as Resources – up to 5 per team), Orientation Leader/Peer Mentors, EOP Peer Mentors, Scholars Mentorship Program Liaisons, Student Activities Mentors, Fraternity and Sorority Members, etc.) We encourage all students to attend educational programs provided by the University concerning these issues.

X. Title IX Glossary

1. “Accused” shall mean a person accused of a violation who has not yet entered an Institution’s Student Conduct or conduct process.
2. “Affirmative Consent” is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.
3. “Bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.
4. “Code of Conduct” shall mean the written policies adopted by an Institution governing student behavior, rights, and responsibilities while such student is matriculated in the Institution.
5. “Confidentiality” may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with State and Federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed

mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

6. “Domestic violence”, “dating violence”, “stalking” shall be defined by interpersonal Violence (Intimate Partner, Dating or Domestic). See definition 8.

7. “Interpersonal violence” shall encompass the terms intimate partner violence, dating violence, or domestic violence. No person shall engage in a violent act or pattern of coercive behavior that serves to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological, verbal, financial and/or emotional in nature.

8. “Institution” shall mean any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.

9. “No contact order” shall mean an administrative directive to both the reporting individual and accused or respondent to refrain from direct contact whether in person or through other means. This includes all contact made which can be considered verbal, nonverbal, physical, written, or via telecommunications devices, including electronic mail and text messages. In addition, this request extends to all action, which may occur as a result of third parties acting on the student’s behalf. Any action that is perceived as actual or threatened retaliation or intimidation to interfere with a person’s rights or obstruct with proceedings is prohibited. The order may be used to support changes in residential accommodations or academic scheduling. Upon request and consistent with institution policies and procedures, parties will be afforded a prompt review, reasonable under the circumstances, of the need for, and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual. As a reminder, failure to comply with an Official Request is a violation of the College’s Student Conduct code and will result in further disciplinary action. See Student Handbook Section IV, G.4. for more information.

10. “Privacy” may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate Institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the Institution.

11. “Respondent” shall mean a person accused of a violation who has entered an Institution’s Student Conduct or conduct process.

12. “Retaliation” is an adverse action taken against an individual as a result of complaining about unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness.

13. “Reporting Individual” shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

14. “Sexual activity” shall have the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).

15. “Title IX Coordinator” shall mean the Title IX Coordinator and/or his or her designee or designees.

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:

Director of Student Conduct and Community Standards or designee
HAB 702, Ext. 3261

University Police
Ext. 2222

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

Title IX Coordinator/Harassment & Discrimination Issues
Human Resources, Diversity & Inclusion/Title IX
HAB 602, Ext. 3675

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



Office of Student Affairs

PARENTAL NOTIFICATION POLICY for VIOLATIONS OF RULES CONCERNING ALCOHOL, CANNABIS/MARIJUANA, 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 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 Student Conduct Procedures document and in the Addendum entitled Institutional Response to the Use of Alcohol, Cannabis/Marijuana and Illicit Drugs. This information is disseminated to all incoming students, faculty and staff and are also available on the campus Web site at <https://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, cannabis/marijuana, 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, cannabis/marijuana, controlled substances, or illicit drugs.
- determination of a violation of campus regulations or policies concerning alcohol, cannabis/marijuana, 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

The State University of New York at New Paltz (the College) values diversity of thought, expression, and experience and is committed to providing an employment and educational environment that models equity, inclusion and respectful exchange of ideas. The College recognizes that the creation or application of standards that adversely impact the equity of educational or employment opportunities, rights or benefits is detrimental to its vision. Therefore, in compliance with federal and state laws, harassment and discrimination based on race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, sexual orientation, predisposing genetic characteristics, marital status, veteran status, military status, domestic violence victim status, or ex-offender status is prohibited. Remaining an employer of choice as well as a dynamic learning environment is the responsibility of every member of the campus community. We must engage in behavior and decisions that comply with both the letter and spirit of the law.

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

February 2014



New Paltz

STATE UNIVERSITY OF NEW YORK

The Office Of Student Affairs