

# Code of Student Conduct

The Colgate University Code of Student Rights and Responsibilities was approved and adopted by the University Council on March 12, 1975, and modifications have been made periodically through the University governance system. The code deals with those rights and responsibilities that are of particular importance to students as members of Colgate University, and it appears below in its entirety.

## Preamble

This Code of Student Rights and Responsibilities attempts to clarify, enumerate, and gather rights and responsibilities that are of particular importance to students as members of Colgate University. Students are also members of the community at large, and no enumeration of their rights and responsibilities as students shall be deemed to conflict with rights they enjoy and rightful responsibilities they acquire in becoming citizens of Colgate. Furthermore, this particular Code of Student Rights and Responsibilities shall not be presumed to preclude other rights and responsibilities that properly belong to students as members of an educational community.

Colgate University is constantly evolving, and the rights and responsibilities of members of this community must be regularly reassessed.

In order to create the best possible climate for learning, the University recognizes the importance of providing personnel and facilities of high quality and of maintaining the rights of free inquiry, expression, and assembly. In addition, the University recognizes the need to protect the inviolability of the student's personal and civil rights: specifically, the right to be secure in one's person, speech, living quarters, papers, and effects against unreasonable search and seizure; and the freedom from disciplinary sanction except by due process, with avenues of recourse available when a student claims to have been subjected to prejudicious, discriminatory, or capricious treatment.

Students are expected to make the best possible use of the educational resources of the University. In addition, they are expected to abide by the rules, regulations, and procedures that the University has developed to implement its educational objectives and to respect the University's right to safeguard property, ensure the safety of individuals, and maintain public order on its premises.

It is not the intention of this Code nor in the power of the University governance system to change the bylaws of the Board of Trustees of Colgate University, nor is it the intention of this Code to abridge the rights and responsibilities of other members of the Colgate community who are not students.

The responsibility for interpreting and for maintaining the rights and responsibilities of students at Colgate University belongs to the Vice President and Dean of the College, who may be advised in this responsibility by the Student Affairs Board.

## Campus Expression

Pursuit of a liberal education requires an atmosphere conducive to the full and free expression of opinion. Responsive membership in the Colgate University community also requires a respectful awareness of individual and group sensibilities.

- 1.** The right of discussion and expression of all views is a basic principle within the University. In the course of any public lecture, a speaker has the right to present their subject without interruption. Students or other prospective members of the audience may request beforehand the right to question the speaker at the speaker's convenience and shall be informed prior to the speaker's presentation what the response has been to such a request.
- 2.** Students, student groups, and student organizations may invite and hear any persons of their own choosing subject to the requirements of the use of University facilities.
- 3.** A student, student group, or student organization may distribute without prior approval written material in areas wherein distribution shall not interfere with classes or University-authorized functions.
- 4.** The right to peaceful demonstration is accepted by the University with the understanding that Colgate must act to ensure the safety of individuals, the protection of property, and the continuation of the academic process without interference on its premises.
- 5.** The University condemns statements, symbols, and actions that denigrate or ridicule an individual or group because of race, religion, ethnicity, sex, or sexual orientation, when such statements, symbols, and actions clearly serve no educational purpose.

## College Residences

- 1.** As a residential college, Colgate recognizes the importance of offering living units that provide a supportive environment within which each student can develop to their fullest abilities. The right of students to sleep and study in their rooms, subject to reasonable needs and schedules, are the basic priorities of residential life at the University.
- 2.** All first-year, sophomore, junior, and senior students are required to live in University-owned residences. Juniors and seniors who are members of a fraternity or sorority may live in the

organization's chapter house owned by the University. Seniors may live in private off-campus housing, but only if approved through the private off-campus housing lottery and/or by permission of the Director of Residential Life.

**3.** Nothing in the residence hall housing agreement may expressly or implicitly give University officials authority to consent to a search of a student's room by police or other government officials without a warrant authorized by law. Staff members may enter a student's room out of concern for the health and safety of the residents.

**4.** Where there is a reasonable basis to believe that a violation has occurred or is taking place, the Vice President and Dean of the College may authorize a search of a student's room in a residence hall by members of the University to determine compliance with federal, state, and local criminal law or University regulations.

**a.** The Vice President and Dean of the College or designee shall authorize the search and state in writing the purpose thereof before the search takes place. Any search authorization may subsequently be reviewed by the Student Affairs Board upon request of the involved student. The purpose of such review is (a) to determine that the individual's rights were observed, and (b) to confirm that the authorization was well-founded. For example, authorization to search a room for stolen property would be considered well-founded and would not prevent punitive measures being taken on the basis of evidence discovered during the search that revealed another offense. If the Student Affairs Board determines that the authorization was improper, nothing discovered or seized during the search shall be used as evidence before the University Student Conduct Board, although stolen property shall be returned to the owner(s).

**b.** When a search of a student's room has been authorized, it should be done in the presence of that student or the students in question.

**c.** In the absence of the student, the Vice President and Dean of the College or their delegate shall have an officer of the living unit or an elected student representative of the student government association witness the search.

**d.** When a student has been absent while their room was searched, the student shall be informed of the search and of the basis for that search.

**5.** When the appropriate University officials plan to seek access to a student room in a residence hall for improvement, repairs, or for reasons of safety, including, but not limited to, fire safety checks, the occupant shall be notified in advance, although there may be entry without notice in connection with scheduled fire drills or in emergencies where imminent danger to life, safety, health, or property is reasonably feared (including, without limitation, responses to all fire alarms not triggered as part of a scheduled drill).

## **Communications Media**

**1.** Participants in student campus communications media organizations, including editors and managers, are granted freedom of oral and written expression, freedom from advance approval of

copy, and freedom from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes are editors and managers subject to sanctions.

**2.** This freedom of expression entails a corollary obligation on the part of the participants and any student making written or verbal statements on University premises or while a part of a University-sanctioned program, group, or organization to observe the standards of civil laws that protect the rights of individuals and institutions against slander, libel, and falsehood.

**3.** All student communications shall make periodic public statements that the opinions expressed are not necessarily those of the University or the Student Association.

**4.** Nothing in this section shall prevent the University from complying with the rules and regulations of the Federal Communications Commission that apply to Colgate media.

## **Maintenance of Student Records**

**1.** Information regarding students may be recorded and retained when it has substantial, demonstrable relevance to the educational and related purposes of the University. Information lacking such relevance, including information that may be contained in files specified in part b of this section, shall be expunged by appropriate University officials whenever it is lawful to do so. Information “subject to student inspection” as defined by the Family Educational Rights and Privacy Act of 1974 may not be expunged or altered in any way until a student or former student who has properly requested to see such information has been given reasonable access to it.

**2.** Files shall be maintained of the following: academic records and supporting documents, general education records; records of disciplinary proceedings; medical and psychiatric records; financial aid records; and placement records.

**a.** Administrative records kept by the Vice President and Dean of the College or members of the staff shall be known as the student’s general education file. It shall include the student’s admission file, correspondence by or to the University pertaining to the student, interview reports made by the Dean or members of the Vice President and Dean of the College staff, official University Student Conduct Board correspondence, and any records about formal action taken by the University, officials of the University, or officially recognized groups of the University with regard to the student.

**b.** Official academic records, including transcripts thereof, should be an unabridged and chronological record of all courses undertaken with grades received and progress toward graduation. Transcripts of academic records shall contain only information about academic status, including any interruptions in the student’s progress. Except for intra-institutional use, academic records and transcripts shall be made available only with the formal consent of the student involved.

**c.** Disciplinary records maintained by the disciplinary officer are for internal use and as such shall not be made available to persons outside the institution except on formal authorization of the student involved, or under legal compulsion. Intra-institutional use

shall be restricted to the Disciplinary Officer, who may disclose and interpret the record to other officials in the institution when necessary for the discharge of their duties.

**d.** Medical records shall be under the direct supervision of a member of the Student Health Service in order to ensure the special legal protection which is assured communications between physician and patient.

**e.** Counseling records kept by any member of the University whose position relative to students is defined by law as “privileged communication” shall be under the direct supervision of that counselor. Such counselors include people working as physicians, psychologists, psychiatrists, lawyers, and clergy working in that capacity for the University.

**f.** Consistent with state and federal regulations, financial records of students, including those related to the granting of scholarships and other assistance based on financial need, shall be kept strictly confidential at the discretion of the source of the information.

**g.** Center for Career Services records are created, maintained, and used to assist in the student’s education, development, and employment not only as an undergraduate, but also throughout their lifetime. The credentials provided by the institution shall contain chronological listings of the study and employment of the candidates with confidential references written by faculty and employers designated by the candidates and released only with the candidate’s permission. The credentials shall provide no information in conflict with fair employment legislation, nor any information the release of which is the responsibility of offices other than the Center for Career Services.

**3.** The privacy and confidentiality of all student records shall be preserved through observation of the following procedures:

**a.** Official student academic records, supporting documents, and other student files shall be maintained only by members of the institution staff employed for that purpose.

**b.** No entry may be made on a student’s academic record and no document may be placed in a student’s academic file without actual notice to the student. Publication of grades and announcement of honors constitute notice.

**c.** No record identifying an individual student may be made in relation to any of the following matters except with the written permission of the student: race, religion, political or social views, and membership in any organization other than honorary and professional organizations related to the educational process.

**d.** The University complies with the Family Educational Rights and Privacy Act of 1974 and reserves the right to offer the additional protection to students enumerated in this code and by any other administrative ruling or regulation.

**e.** In releasing data for research, the institution must take due care to protect the identity of the student. Before submitting information from student records to a researcher, the institution shall be assured that the research agency will follow acceptable standards of confidentiality. Whenever the limits of confidentiality are in question, the institution shall obtain the formal consent of the student prior to using information about the student for research purposes.

4. It is the responsibility of the student to report their current local address, place of residence, and home address to the registrar.

## Visits of Consultants

1. Consultants shall be free to appear on campus for the purpose of conducting interviews or distributing information regarding postgraduate employment or military service, provided that they conduct their activities under the auspices of the Center for Career Services or the relevant academic discipline and that they utilize the facilities provided by the University sponsor.
2. Advance notice of all visits by consultants to the Center for Career Services must be posted by the center at least one week before each visit.

## Student Organizations and Groups

1. Organizations and groups may be established at Colgate University. They shall be defined as any number of individuals who: use the campus as the focus for their activities and/or use University facilities, or use student activity fees, or use the University name; or draw their membership primarily from among the student body of the University.
  - a. An organization is a formally organized body of students with an officer or officers, intending to remain organized on a regular and yearly basis.
  - b. A group is a number of persons gathered on an informal basis with a specific concern who designate one spokesperson for the group's activities.
2. The following requirements shall apply specifically to organizations: a statement of purpose or purposes, constitution and by-laws, and compliance with the Student Organization Relationship Statement and/or other applicable University requirements for recognition. The names and addresses of current officers must be filed with the University department designated for such purposes.
3. The following conditions shall apply specifically to groups: groups of a continuing nature may be asked to become organized if their activities become such that an informal structure no longer meets the necessity for establishing the group's responsibility, as determined by the University department designated for such purposes.
4. Membership in an extramural organization shall not, in itself, disqualify the campus branch or chapter of any group or organization from privileges to which it is entitled as a University group or organization, but where there is such affiliation, the extramural organization's constitution, by-laws, and amendments shall be filed with the University department designated for such purposes.
5. Recognition of a group or organization by Colgate University implies neither approval nor disapproval of the purposes, objectives, and policies of the organization.
6. Organizations and groups may keep membership lists confidential and solely for the use of the organization, with the exception that names and addresses of the relevant officers and

spokespersons are required as a condition of recognition.

**7.** Upon request, the University department designated for such purposes may locate and assign Colgate University facilities to authorized organizations, groups, or individuals for regular business meetings, for social programs, or for programs open to the public with the following provisions:

- a.** Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to ensure proper maintenance.
- b.** Allocation of space shall be made based on the order of receipt of requests and the demonstrated need of the organization, group, or individual.
- c.** The University shall publish any rental charges levied for use of its facilities.
- d.** Physical abuse of assigned facilities shall result in reasonable limitations on future allocation of space to offending parties, and the University will require restitution for damages.
- e.** The individual, group, or organization requesting space must inform the University of the general purpose of any meeting.

**8.** The Colgate University Student Senate may allocate institutional funds derived from student fees for use by recognized organizations and groups otherwise eligible that:

- a.** Submit their budgets to the Colgate Student Senate for approval; and
- b.** Provide on a schedule determined by the student senate a statement of income and expenses.

**9.** The University may require disclosure of sources of all funds of any organization that requests the use of University facilities or funds from the University or the student senate.

**10.** No individual, group, or organization may use the University's name without the explicit authorization of the University.

**11.** No member of the Colgate University community shall be denied membership in any organization or group because of gender, gender identity or expression, race, religion, national origin, ethnicity, color, age, marital status, citizenship, sexual orientation, or disability; provided that (1) the foregoing prohibition on discrimination on the basis of gender shall not apply to membership policies of student organizations recognized as single-gender organizations prior to October 11, 2013, and (2) fraternities and sororities may have policies that provide for single-gender membership.

**12.** A group or organization will be held collectively responsible (i.e., subject to group/organizational discipline) when it is reasonable to attribute the actions of at least some of its members to the group or organization as a whole. Among the situations in which group/organizational discipline may be imposed are the following:

- a.** Any act or omission in violation of the Colgate University Code of Student Conduct, or University policy, that has received the explicit or implicit consent or encouragement of one or more of the group's or organization's officers;

- b.** Any act or omission in violation of the Colgate University Code of Student Conduct, or University policy, that has been undertaken by one or more members of the group or organization as a result of the unreasonable failure of the officers to oversee the conduct of the group's or organization's membership and/or group or organizational activities;
- c.** Any failure of the officers of the group or organization to ensure the adoption of reasonable precautions to avoid a violation of the Colgate University Code of Conduct, or University policy; or
- d.** Any policy or practice of the group or organization that results in a violation of the Colgate University Code of Student Conduct, or University policy.

A group or organization found responsible in accordance with the foregoing may have sanctions imposed against it pursuant to applicable University disciplinary procedures. A group or organization will not be held responsible for its members' actions that do not fall under the conditions stated above

## **Termination of Employment**

- 1.** No student shall be discharged from employment or suffer termination of student aid by the order or request of a University employee without written notice, an opportunity to be heard by the University employee issuing such an order or request and a right of appeal to the Vice President and Dean of the College (or their designate).

## **Enforcement**

- 1.** Any adversely affected student may present evidence of alleged violations of their rights outlined in this code by University employees or officers of the Student Affairs Board. A majority of the Committee may report violations to the Vice President and Dean of the College for appropriate action to be determined by him/her. A majority of the Committee may also report violations of the code to the campus press.

## **Distribution**

- 1.** This code and all other University rules and regulations directly pertaining to students shall be published in one pamphlet and distributed to all members of the University community.

The information contained in this publication applies to the academic years 2022–2023, but this handbook is not to be regarded as a contract between the student and the University. The University reserves the right to change requirements, policies, rules, and regulations without prior notice in accordance with established procedures.

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