

# Code of Student Conduct 2022-2023

## Section 1: Rules of Student Conduct: Prohibited Behavior

SUNY Brockport, as a state-operated institution, is governed by federal, state, and local laws, rules, and regulations. Consistent with those laws, rules and regulations, each student is expressly advised that the following behavior is prohibited. Students or student organizations engaging, attempting to engage, or assisting in the following are subject to disciplinary sanctions:

1. Conduct that violates any local, state, or federal law or rule, and/or any regulation established by the Board of Trustees of the State University of New York.
2. Possession, use and/or storage of air guns, firearms, rifles, shotguns, and other weapons, explosives, dangerous objects or chemicals, even if legally possessed, on College property or at an official College function.
3. Violation of any provision of the On Campus Housing License.
4. Attempted or actual theft of or damage to property or services or unauthorized possession of stolen property. Property also includes, but is not limited to, data and information stored on electronic or computer media and passwords.
5. Tampering with fire safety equipment, fire alarm equipment and/or setting off alarms in any building or on College premises or intentionally interfering with or failing to follow emergency procedures.
6. Intentionally overloading, damaging, dismantling, or tampering with elevators or elevator equipment.
7. Trespassing/unauthorized use of facilities and services. No person shall enter into and/or utilize any College facility or service without proper authorization. No one shall enter a facility from which they have been restricted, as part of a student conduct sanction.
8. Unauthorized possession, duplication, or use of any keys to any College premises or unauthorized entry to or use of College premises.
9. Unauthorized Presence. Students who have no specific legitimate reason for being in College buildings or on campus grounds may be subject to a charge of unauthorized presence. This includes, but is not limited to, being present in buildings and facilities that are officially closed or where the individual does not have a College official's written permission.
10. Advertising, soliciting, or selling any goods or services on campus without prior written permission from the vice president for enrollment management and student affairs or designee. Unaddressed handbills, announcements, election flyers, or advertisements are not to be placed under campus doors or on vehicles on campus property. Students should refer to the campus posting policy for more information.
11. Smoke-free Campus Policy. Smoking is prohibited on all College managed property, both indoors and outdoors.
12. Disorderly and/or disruptive conduct that interferes with the normal operations of the College or infringes on the rights of others, and includes leading or inciting others to disrupt scheduled and/or normal activities associated with the College.
13. Harassment, which may include any of the following:
  - a. Unwelcome conduct directed against a person based on one or more of that person's protected characteristics or status, including age, color, race, disability, marital status, national/ethnic origin, religion, veteran's status, political activities or genetic information, and which is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in working or learning programs or activities, and creates a working or academic environment that a reasonable person would find intimidating, hostile or offensive;<sup>1</sup> [/support/policies/student/code\\_of\\_conduct/sections\\_one\\_two.html#first\\_footnote](/support/policies/student/code_of_conduct/sections_one_two.html#first_footnote)
  - b. Threatening or intimidating behavior, which would cause a reasonable person to become fearful;
  - c. Engaging in a course of conduct or repeatedly committing acts directed at another person, which would seriously annoy a reasonable person;
  - d. Creating a condition which endangers or threatens the health, safety or welfare of another person; and
  - e. Physically restraining or detaining another person or forcibly removing any person from any place where they are authorized to remain.
14. Physical assault. Any act that intentionally or recklessly causes physical injury to another person. Physical assault includes, but is not limited to, inflicting bodily harm upon any person, taking any action for the purpose of inflicting harm upon any person, or subjecting another person to unwanted physical contact.
15. Hazing: Hazing is, regardless of intent, any action that degrades, humiliates, abuses or endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group, team or

organization, whether officially recognized or not, by The College. Hazing includes being present during activity (ies) that constitute hazing or having knowledge of it, and failing to report it. The express or implied consent of the victim(s) does not mean that hazing did not occur. Please refer to [SUNY Brockport's Hazing Policy \[support/policies\]](/support/policies).

16. Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct ("sexual misconduct") is a broad range of prohibited behaviors. Sexual misconduct cases that do not fall within the jurisdiction of SUNY Brockport's Title IX Grievance Policy will be managed through the Code of Student Conduct, Section 9: Student Conduct Procedures, Category II: Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct Policies & Procedures. For the purposes of this Code, these behaviors include:
  - a. Dating violence;
  - b. Domestic violence;
  - c. Stalking;
  - d. Sex and/or Gender based discrimination;
  - e. Sexual harassment;
  - f. Non-consensual sexual contact;
  - g. Non-consensual sexual intercourse; and
  - h. Sexual exploitation.
17. Abuse of the Student Conduct System, including, but not limited to:
  - a. Failure to comply with the instructions of a student conduct officer, student conduct body, or College official.
  - b. Disruption or interference with the orderly conduct of a student conduct proceeding.
  - c. Providing false or misleading information to the student conduct officer or College official.
  - d. Attempting to discourage an individual's participation in, or use of, the student conduct system through intimidation or any other means.
  - e. Retaliating against an individual who made a complaint/report, served as a witness, opposed the reported conduct, is a friend or acquaintance of the person who made a complaint/report, or who participated in the student conduct process.
  - f. Attempting to influence the impartiality of a member of a student conduct body prior to, and/or during the course of, the student conduct proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding.
  - h. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
  - i. Failure to abide by the terms of an Agreement Regarding Evidence disclosed during a Student Conduct or Title IX Investigation and/or Hearing.
  - j. Violating any disciplinary sanction imposed in accordance with the Code of Student Conduct.
18. Failure to identify oneself or present a valid student identification card when requested to do so by any faculty, staff, or student staff or law enforcement officer in the performance of their official duties.
19. Failure to comply with the reasonable and lawful requests or directives of College officials or law enforcement officers acting in the performance of their duties and/or interference with faculty, staff, or student staff acting in the performance of their official duties. Compliance includes, but is not limited to, appearing at offices when directed to do so, showing identification and leaving areas when directed to do so.
20. Forgery or any other act of knowingly furnishing false information to the institution in the form of a false complaint or report or unauthorized alteration or use of institutional documents, including those stored on electronic or computer media, or instruments of identification (such as an ID card).
21. Falsifying information or failing to report required information (such as previous college attendance, prior conduct sanctions or felony history) on any admissions application or related materials.
22. Theft or other abuse of electronic technologies, including but not limited to:
  - a. Unauthorized entry into a system (voice/data/video/mechanical/security), to use, read or change the contents, or for any other purpose;
  - b. Unauthorized transfer of a file;

- c. Unauthorized use of another individual's identification and password;
  - d. Intentional use of computing facilities to interfere with the operation of any computing system;
  - e. Use of electronic mail/instant messages to send chain letters, harassing messages;
  - f. Use of College computing facilities for commercial activities;
  - g. Unauthorized transfer/copying of copyright material (e.g., software, mp3 files) that is not protected by fair use; and
  - h. Gaining unauthorized access to data or information in College files or stored on College systems.
23. Prohibited substances.<sup>2</sup>[\[support/policies/student/code\\_of\\_conduct/sections\\_one\\_two.html#second\\_footnote\]](#).The following behaviors related to substance use, whether on or off campus, are prohibited at the College:
- a. Unlawful possession of a prohibited substance;
  - b. Purchasing a prohibited substance;
  - c. Manufacturing a prohibited substance;
  - d. Distributing a prohibited substance;
  - e. Selling a prohibited substance;
  - f. Using or being under the influence of any controlled substance (as defined in NYS Public Health Law 3306), or synthetic cannabinoids;
  - g. Abuse of over-the-counter drugs;
  - h. Abuse and or exchange or distribution of prescription drugs prescribed to self or another person; and
  - i. Possession of drug paraphernalia, including, but not limited to, hookahs, pipes, and other smoking devices, weights, scales, and/or rolling papers.
24. Alcohol violations.<sup>3</sup>[\[support/policies/student/code\\_of\\_conduct/sections\\_one\\_two.html#third\\_footnote\]](#).The following behaviors related to alcohol use, whether on or off campus, are prohibited at the College. For more information, please refer to the College's Alcohol Policy found at [www.brockport.edu/policies](http://www.brockport.edu/policies) [<http://www.brockport.edu/policies>] and [www.brockport.edu/life/residential\\_life](http://www.brockport.edu/life/residential_life) [[http://www.brockport.edu/life/residential\\_life](http://www.brockport.edu/life/residential_life)].:
- a. Consumption under twenty-one (21) years of age;
  - b. Possession under twenty-one (21) years of age;
  - c. Distribution to someone under twenty-one (21) years of age;
  - d. Purchase of alcoholic beverages by any persons less than twenty-one (21) years of age;
  - e. Possession of alcohol paraphernalia;
  - f. Public intoxication, regardless of age; and
  - g. Driving While Intoxicated.
25. Responsibility for Guest(s). Students will be held accountable for the behavior of all guests in accordance with all College policies. Therefore, all students are responsible for the actions of their guests for any violations of the Code of Student Conduct committed on College premises, or at College-sponsored or supervised functions. Students are expected to take reasonable action to prevent their guests from violating College policies and are expected to remain with their guests for the length of their visit. Students will be held responsible for damage to or loss of College property by the actions of their guest(s) and may be required to reimburse the College, or the student's account may be charged accordingly. The College reserves the right to restrict any guest from campus who violates the Code of Student Conduct, in the interest of the general welfare of the College community.

## Section 2: Student Conduct Definitions

1. "SUNY Brockport" or "College" means the State University of New York, College at Brockport.
2. "Student" means an individual taking courses at SUNY Brockport either full time or part time, matriculated or non-matriculated, pursuing undergraduate, graduate, or professional studies, including individuals on College premises for any purpose related to enrollment, such as orientation activities. Persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the College are considered "students." This includes

persons who withdraw after an alleged violation of the Code of Student Conduct, and persons who are living in the College's residence halls, although not enrolled in this institution.

3. "SUNY Brockport official" or "College official" includes faculty and staff, and any person employed by SUNY Brockport, performing assigned administrative or professional responsibilities.
4. "SUNY Brockport premises" includes all land, buildings, facilities, and other property in the possession of, or owned, used or controlled by, SUNY Brockport (including adjacent streets and sidewalks). The Code of Student Conduct applies at all locations of SUNY Brockport, including Brockport Downtown at REOC. "Student organization" means any number of persons who have complied with the formal requirements for SUNY Brockport recognition/registration.
5. "Policy" means the written regulations of SUNY or SUNY Brockport policies, as found in the Code of Student Conduct, the On Campus Housing License, Residence Hall/Student Townhomes Alcohol Policy; the Residence Hall Handbook; policy statements regarding sexual harassment and non-discrimination, as well as bias and bias-related incidents; any policy listed on the College's website, the Student Policy Web page at [www.brockport.edu/support/policies](http://www.brockport.edu/support/policies) [<http://www.brockport.edu/support/policies.html>], and the graduate/undergraduate catalogs. Copies of these policies may be obtained from their respective offices and at [www.brockport.edu](http://www.brockport.edu) [<http://www.brockport.edu>].
6. "Investigator" means that person(s) assigned by the director of student conduct, assistant director or student conduct, student conduct coordinator, Title IX coordinator, or president's designee, to investigate allegations of a violation(s) of the Code of Student Conduct.
7. "Director of student conduct" is that person(s) designated by the College president to be responsible for the administration of the Code of Student Conduct.
8. "Student conduct coordinator" is that person(s) designated by the director of student conduct to support the administration of the Code of Student Conduct.
9. "Student conduct officer" means SUNY Brockport official authorized by the director of student conduct, assistant director of student conduct, the student conduct coordinator, vice president of enrollment management and student affairs or designee, or other investigator, to conduct a hearing, conference, or investigative meeting with a student to discuss allegations of misconduct. The director of student conduct/student conduct coordinator/president's designee may authorize the student conduct officer to impose sanctions in all cases.
10. "Student charged," "student organization charged," "accused," "responding party" or "respondent" means any student or student organization accused of violating the Code of Student Conduct.
11. "Complainant" or "reporting individual" means any person or persons who have brought allegations against a student or student organization, or on whose behalf a bystander brings forth allegations, alleging a Category II Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct violation(s) of the Code of Student Conduct.
12. "Conduct board" means any person or persons authorized by the director of student conduct/student conduct coordinator/vice president of enrollment management and student affairs or designee to determine whether a student has violated the Code of Student Conduct and to recommend sanctions that may be imposed when a rules violation has been committed.
13. "Appeal officers" and "Appeal Panel" mean the vice president for enrollment management and student affairs and any person authorized by the vice president to serve on the Appeal Panel to decide upon the appeal outcome for a student or student organization conduct case.
14. "Business days," as used in this Code of Student Conduct, with reference to scheduling and notification, refers to days in which the administrative offices of the college are officially open for business.
15. "Preponderance of the evidence" is the standard of proof required to determine if a student violated the Code of Student Conduct. The standard is met when the evidence brought forth in the conduct case proves to be more likely true than not true.

<sup>1</sup> [[/support/policies/student/code\\_of\\_conduct/sections\\_one\\_two.html#sup1](http://support/policies/student/code_of_conduct/sections_one_two.html#sup1)] Harassment on the basis of sex, including gender expression or gender identity, and sexual orientation, are also prohibited, but are included in #16 below.

<sup>2</sup> [[/support/policies/student/code\\_of\\_conduct/sections\\_one\\_two.html#sup2](http://support/policies/student/code_of_conduct/sections_one_two.html#sup2)] Parental Notification. As permitted by the Family Educational Rights and Privacy Act, the student conduct officer or designee may notify the parents of students under the age of 21, who are found responsible for drug violations of the Code of Student Conduct. In addition, parents may also be notified for other violations of the Code of Student Conduct, as permitted by the Family Educational Rights and Privacy Act (FERPA).

<sup>3</sup>[\[/support/policies/student/code\\_of\\_conduct/sections\\_one\\_two.html#sup3\]](/support/policies/student/code_of_conduct/sections_one_two.html#sup3) Parental Notification. As permitted by the Family Educational Rights and Privacy Act, the student conduct officer or designee may notify the parents of students under the age of 21, who are found responsible for alcohol violations of the Code of Student Conduct. In addition, parents may also be notified for other violations of the Code of Student Conduct, as permitted by the Family Educational Rights and Privacy Act (FERPA).