

STUDENT RIGHTS AND RESPONSIBILITIES

Regulations Governing Student Conduct and University Standards of Behavior

Pursuant to the Resolution of the Board of Trustees of the State University of New York, dated May 11, 1967, and Section 356 of the State Education Law, and after consultation with the President, representatives of the faculty, and students, the Council of the State University of New York at Fredonia established and promulgates the following regulations covering the conduct and behavior of students. The following rules and regulations were amended in December 2004 and were agreed upon by the President of the University, the College Council, the Student Affairs Committee, and the University Senate.

Attendance at this University is a privilege afforded the student by the State of New York and not a legal right. The determination of a student's fitness to be admitted to the University and to continue as a student has been entrusted by the Board of Trustees of the State University to the President and his/her staff. The term student or students include all persons taking or auditing classes at SUNY Fredonia, both full-time and part-time, pursuing undergraduate, graduate, or professional studies; matriculated in any University program. Persons who are not officially enrolled for a particular term, but who have a continuing student relationship with the University, are considered "students."

General Policy

Students seeking knowledge and understanding also need freedom to inquire and to exchange ideas through discussion, publication and public presentations. These opportunities are basic to education in and for a democratic society. To insure these freedoms, the University requires a community free from violence, threats, and intimidation; protective of free inquiry; respectful of the rights of others; open to change; supportive of democratic and lawful procedures; and dedicated to the rational and orderly approach to the resolution of human problems. In exercising freedoms and in discharging the rights and obligations of citizenship, students must also recognize their responsibilities to other individuals, to the University, to the state and the nation, and to society in general. Orderly and dignified expression and conduct are expected.

In protection of these freedoms, the University must establish certain standards of personal and group conduct. The University may apply sanctions or take other appropriate action when the conduct of individuals or groups on or off campus directly or significantly interferes with the freedom to teach and learn, the safety and health of persons in the community, the maintenance or protection of property, the provision of living accommodations and other services, and the sponsoring of non-classroom activities such as lectures, concerts, athletic events, and social functions.

Counseling, guidance, and rehabilitation are the preferred means for resolving behavior problems. Although disciplinary proceedings play a secondary role in resolving such problems, violation of the Standards of Behavior listed below may result in privilege restriction, suspension, or dismissal.

In the legitimate interest of the University in protecting property and the safety and welfare of specific individuals or the general public, the University President or his/her designee may temporarily suspend an individual, change a student's residence hall location or remove a student from the residence halls pending a decision by the Coordinator of Judicial Affairs, the judicial board or the administrative board.

Statement of Jurisdiction

The Standards of Behavior and University Policies apply to all undergraduate students, graduate students, and student organizations of SUNY Fredonia. The Standards of Behavior primarily prohibits misconduct on Fredonia property, but may address off-campus conduct when the behavior or the continued presence of the individual, in the University's sole judgment, impairs, obstructs, or interferes with the mission, processes, or functions of SUNY Fredonia. Students should be aware that SUNY Fredonia reserves the right to review and take disciplinary actions based on conduct occurring off campus and / or between academic periods.

A student's action may violate civil or criminal laws as well as being deemed a violation of the University Standards of Behavior or University Policies. In such situations, that student may be held accountable by both civil authorities and face University sanction. The University may at its sole discretion, elect to pursue disciplinary action against a student even if criminal charges involving the same incident are pending, have been dismissed, or were reduced.

Students that elect to Study Abroad through the International Education Center will assume dual status as a SUNY Fredonia student and as a student of the host institution. SUNY Fredonia's Rights and Responsibilities are applicable while the student is studying abroad.

Students who witness serious violations of SUNY Fredonia policy, procedures, or Rights and Responsibilities that are potentially harmful to the safety and well-being of other students may be charged with a violation or violations if they fail to remove themselves from such situations and/or report the incident to proper authorities.

Specific Standards of Behavior (Code of Conduct)

Listed below are the specific standards of behavior (code of conduct). The Code of Conduct is broken into four sections: Personal Identification and Representation; Personal Identification and Representation, Interferences with the Health, Safety, or Rights of Other Persons, Care of University or Personal Property, and Demonstration of Other Groups or Individuals Action.

Alleged violation of any of the following may result in charges being filed against a student or organization.

1. Personal Identification and Representation

Failure to act in accordance with these standards must be treated as a major failure to accept responsibility as a student and make one subject to separation from the community. Prohibited are:

- (a) Furnishing false or incomplete information to University offices, officials, or judicial boards.
- (b) Failing to appear before a University official or judicial board when directed to appear.
- (c) Making, forging, printing, reproducing, copying, or altering any record, document, writing, or identification used or maintained by the university that results in injury, defrauding, or misrepresentation.

(d) Refusing to identify one's self when directed by an authorized University official. Students are expected to carry their FRED Card at all times.

(e) Transferring one's own FRED Card to another for the purpose of that other individual obtaining University service or privileges.

(f) Attempting to obtain or obtaining a University privilege or service to which the student is not entitled.

(g) Providing erroneous information concerning a change in status concerning financial refunds or financial independence from parents or legal guardian.

2. Interference with the Health, Safety, or Rights of Other Persons

All members of the University community share the responsibility for protecting and maintaining community health, safety, and the rights of other persons. Students are required to obey the statutes and laws of the nation and the state, as well as the ordinances and laws of the village of Fredonia, city of Dunkirk, and the towns of Pomfret and Dunkirk. Conviction of a violation of such laws, statutes, or ordinances may be grounds for suspension or dismissal. The following conduct is prohibited:

(a) Failing to comply with directions of University or town officials (This includes, but is not limited to faculty, staff, Residence Director, Resident Assistant, security, safety, or fire officials carrying out properly assigned responsibilities).

(b) Failing to comply with the final decision of a judicial board or administrative action.

(c) Misusing safety equipment including but not limited to tampering with fire equipment, fire alarms, exit lights, refusal to obey a fire alarm, initiating a false fire alarm, submitting a bomb threat, activating emergency phones, sprinkler systems, or propping doors open.

(d) 1) Fighting and threats to, physical abuse of, or harassment and any other action which threatens to or does endanger the health, safety, or welfare of a fellow student and/or member of the University community.

2) Engages or threatens to engage in behavior which poses imminent danger of causing substantial harm to self or others.

3) Obstructing or disrupting teaching, administrative or public service function of the University.

4) Obstructing or disrupting disciplinary proceedings or authorized University activities.

(e) 1) Engaging in any action or situation which endangers the mental or physical health of a member of the University or local community.

2) Creating a situation that results in harassment of a member of the university or local community.

3) Engaging in any form of hazing, which endangers the mental or physical health or involves the forced consumption of alcohol or drugs for the purpose of initiation or affiliation with any organization. This is more particularly described in the University Policy on Hazing.

(f) Participation in any form of non-consensual sexual intimacy and unwanted physical sexual conduct. This is more particularly described in the University Policy on Sexual Assault.

(g) Possessing firearms, explosives (including firecrackers), weapons, bb guns, knives (4 inches or longer or switchblade), paintball guns, potato guns and blow guns.

(h) Illegally using, possessing, selling, or distributing narcotics, stimulants, depressants, hallucinogens, marijuana or its derivatives, or drug paraphernalia. This is more particularly described in the University Policy on Drugs and Alcohol.

(i) Illegally using alcohol, possessing alcohol, selling or distributing alcohol, or distributing alcohol to minors. This is more particularly described in the University Policy on Drugs and Alcohol.

(j) Use of speakers or other sound amplifying equipment without clearance as to time and place from the Office of Student Affairs.

(k) 1) Posting of posters, handbills, or notices without permission of the appropriate University official. The Office of Campus Life must approve all postings.

2) Solicitation or vending of any kind is not permitted on campus or in the residence halls, unless permission is given by The Office of Residence Life or The Office of Campus Life.

(l) Smoking in non-smoking areas so designated by the University President or his/her designee.

(m) Ignoring reasonable standards of appropriate behavior.

(n) Engaging in cheating, plagiarism, or collusion on any examination or on assigned work. This is more particularly described in the University Policy on Academic Integrity.

(o) Refusing to accept financial obligations incurred as a student enrolled at the University. The University is empowered to refuse to register, graduate, or release records of any student who is delinquent in his/her obligations to the University.

(p) Viewing, possessing, or distributing child pornography.

(q) Counterfeiting or violating copyright laws.

(r) Illegal or inappropriate use of SUNY Fredonia's network or computers. This is more particularly described in the Computer and Network Usage Policy.

(s) Engaging in unlawful gambling activities under conditions that are contrary to the provisions of state law or any applicable University policy.

3. Care of University and Personal Property

Maintaining and preserving University grounds, academic buildings, resident and dining facilities, and other associated structures is an obligation of all members of the University community. Similarly, maintaining and preserving personal property is also an obligation. Prohibited are:

- (a) 1) Theft, unauthorized possession of, property belonging to the University, a member of the university community, a campus guest, or community member.

2) Vandalism, destruction of, damage to, or inappropriate use of property belonging to the University, a member of the University community, a campus guest, or community member.
- (b) Destruction, mutilation, and defacement of or tampering with books, magazines, library materials or equipment, or computer services or equipment.
- (c) Unauthorized occupancy of or trespassing on University property or facilities.

4. Demonstration or Other Groups or Individual Action

The campus must be open to a free exchange of ideas and individuals and groups have protected Constitutional rights; therefore, all members of the community are expected to conduct dialogues with mutual respect and courtesy. Prohibited are:

- (a) Denying to other students, officials, employees, or invited guests of the University lawful freedom of movement on the campus, lawful use of the property or facilities of the University, or the right of lawful entrance to and exit from any of the University's facilities.
- (b) Impeding the staff or faculty of the University in the performance of their duties, or impeding any student of the University in the pursuit of his or her legitimate educational or social activities, through the use of restraint, coercion, or intimidation, or when force and violence are presented or threatened.
- (c) Engaging in any intentional overt activity resulting in the obstruction to, disruption of interference with any of the legitimate missions, processes, procedures, or functions of the University.
- (d) Refusing to vacate a building, street, sidewalk, driveway, or other facility of the University when directed to do so by an authorized official.
- (e) Making unnecessary noise or causing noise to be made with objects and instruments, which disturb University functions or community living.

Bias Crimes Prevention

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

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their age, 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 convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

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

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

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

University Police	673-3333
Office of Student Affairs	673-3271
Affirmative Action	673-3358
Counseling Center	673-3424
Multicultural Affairs	673-3398

For general information on Fredonia security procedures, see the University Police Website at: <http://www.fredonia.edu/UPD/upd.htm> or call 673-3333.

More information about bias-related and bias crimes, including up-to-date statistics on bias crimes is available from the Chief of University Police at 673-3333 or the University Police Website at <http://www.fredonia.edu/UPD/upd.htm>.

Crime Statistics

A copy of the State University of New York at Fredonia campus crime statistics as reported annually to the U. S. Department of Education will be provided upon request by the Personal Safety & Campus Security Committee. Please direct all such requests to the Office of University Police at 716-673-3333. Information can also be obtained from the U. S. Department of

Education website at: <http://ope.ed.gov/security/> and the State University of New York at Fredonia University Police website at: <http://www.Fredonia.edu/upd/campussafety.htm>

Personal Safety & Campus Security Committee

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

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

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

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

For more information regarding the Personal Safety & Campus Security Committee please contact the Chief of University Police at 673-3333 or the Office of Student Affairs at 673-3271.

Permanent Transcript Notation (Hazing and Other Serious Violations)

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

Students found responsible for such violations shall not receive credit for the semester in which they are suspended or expelled. Also, the student will remain liable for all tuition and fees for that semester.

Investigation of Violent Felony Offenses/Missing Students

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

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

Response and Investigation:

- a. **Missing Student:** When a report of a missing student is received by the University or the municipal police department, the receiving department will conduct a preliminary investigation in order to verify the complaint and to determine the circumstances which exist relating to the reported missing student. If the student's absence is verified, the incident will be reported and shared between departments. Both departments will continue the investigation to locate the missing student. If, after further investigation, the missing student is not located, both departments will determine the most efficient manner of continuing the investigation. In any event, information relating to any report of a missing student shall be shared by both parties no later than twelve (12) hours from the time of the initial report. If the missing student is located or returns to the University at any time after the matter has been reported, each party shall notify the other immediately.
- b. **Violent Felony Offenses:** When any report of an on-campus violent felony offense is received by the University or when a report of a violent offense involving a University student is received by the municipal police department, the recipient shall notify the other police department as soon as possible. The police departments will carry out appropriate investigative procedures, will determine the most efficient manner of continuing the investigation, and shall provide mutual assistance when requested.

Policy on Hazing and Initiation or Affiliation with any Organization

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

Hazing is defined as engaging in any action or creating a situation intentionally or unintentionally designed to produce mental or physical discomfort, harassment, or excessive ridicule in the course of another person's initiation into or affiliation with any organization.

Such activities and situations may constitute hazing but are not limited to the following:

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

- (12) any other activities that are not consistent with fraternal law, ritual or policy, or the policies and regulations of SUNY Fredonia.

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

Policy on Sexual Assault

The Fredonia campus will not tolerate sexual assault in any form, including acquaintance rape. Where there is reasonable cause to believe that the University regulations prohibiting sexual assault have been violated, the campus will pursue strong disciplinary action through its own channels. This discipline includes the possibility of suspension or dismissal from the University.

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

In addressing cases of sexual assault, SUNY Fredonia works to ensure fairness and to provide support for all persons involved, especially the victims. Students who have questions about the procedures and protections provided in these cases are encouraged to contact the Office of Student Affairs and/or University Police. Students are also encouraged to take advantage of the Counseling Center and Health Center for further assistance.

SUNY Fredonia recognizes the following definition of consent: voluntary, non-coerced and clear communication indicating a willingness to engage in a particular act. Consent is defined as; consent or lack of consent may be expressed or implied. Acquiescence does not necessarily constitute consent and further consent cannot be construed if: (1) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor; or (2) It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known to the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or (3) It is induced by force, duress or deception.

Good Samaritan Policy

The welfare of students is the highest importance to SUNY Fredonia. There will be times when individual students, both on and off campus, may be in critical need of assistance from medical or other professional personnel. SUNY Fredonia expects that these students will seek help and that other students will respond to obtain the help that their fellow student needs. SUNY Fredonia wants to minimize any hesitation that students might have in obtaining help due to concern that their own behavior might be a violation of University policy.

While policy violations cannot be overlooked, the Office of Judicial Affairs will take into consideration the positive impact of reporting an incident on the welfare of students when

determining the appropriate response for policy violations by the reporter of the incident. Any possible negative consequences for the reporter of the problem should be weighed against the possible negative consequences for the student who needs intervention. At minimum, SUNY Fredonia expects that a student would make a report that would put the student in need in touch with professional helpers.

Alcohol and Drug Policy

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

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

Drugs

The following are prohibited:

1. The use, possession, sale, or distribution of illegal drugs, controlled substances, and drug paraphernalia.

Alcohol

The following are prohibited:

1. Using or possessing alcohol (persons under 21 years of age).
2. Distributing or selling alcohol to minors, on or off campus.
3. Misstating or misrepresenting age through the presentation of false documents.
4. Distributing or selling alcohol without a license

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

Typical Alcohol / Drug Sanction(s)

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

First Offense: The first alcohol or drug related violation would typically result in a Disciplinary Warning and a requirement to complete either the online Alcohol or Drug Education Course. The student will be charged a fee to cover the cost of these programs.

Second Offense: The second alcohol or drug related violation would typically result in Disciplinary Probation and a referral to the Fredonia CARES program, an in-depth alcohol and drug prevention counseling program. The student will be charged a fee to offset some of the cost of this counseling program.

Third Offense: The third offense would typically result in some sort of Disciplinary Suspension. The duration of the suspension would depend on the student's educational and disciplinary record.

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

Alcohol Education Course

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

Drug Education Course

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

Fredonia C.A.R.E.S.

The Fredonia C.A.R.E.S. (Commitment to Alcohol Responsibility and Education for Students) Workshop is a six-hour course led by the Alcohol and Substance Abuse Counselor at SUNY Fredonia. This workshop has been designed for students who have violated any alcohol/other drug-related University regulation or other University policies while under the influence. Additionally, students who would benefit from examining their alcohol/other drug (AOD) use or are interested in AOD education may also participate in this workshop. A fee will be charged to cover the cost of the program.

Other Types of Sanctions

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

Verbal Warning – A verbal reprimand which expresses University dissatisfaction with the student's conduct and which clarifies expected behavior in the future. Such a warning is noted in the student's conduct file.

Disciplinary Warning - A written reprimand which expresses University dissatisfaction with the student's conduct and which clarifies expected behavior in the future.

Disciplinary Probation - Written notification that any further violations within the probationary period shall result in more severe disciplinary action. The probationary period will be for a specific period of time and/or until the completion of any specified requirements or conditions that are part of the probation.

Disciplinary Suspension in Abeyance - The student remains enrolled. However, any violation of conduct regulations during the period of suspension in abeyance will, after determination of guilt, result in a minimum sanction of automatic suspension.

Disciplinary Suspension - A decision that removes the student from the university for a specific period of time, usually no more than two years. The suspension might be immediate or begin after the end of the semester. In either case, the student is eligible for consideration for readmission at the end of the specified period. Students that are suspended will not be eligible for a refund. This includes tuition and the cost of on-campus housing. This is more particularly described in the Administrative Policy 057.1 section 1. (B)2.

Disciplinary Expulsion - A decision that removes the student permanently from the University. Normally, the penalty shall also include the student being barred from the premises of the University.

Other Sanctions - Other sanction may include a variety of restrictions and educational related activities. These include but are not limited to:

- prohibition from engaging in any extra-curricular activity
- prohibition from running or holding an office in any student group or organization
- prohibition from participation in sports related activities
- restricting students from serving on any University committees
- limiting student employment
- removal from on-campus housing
- restriction from specific buildings or residence halls
- changing student room or residence hall assignment
- restriction from campus
- placing holds on records
- service charges or restitution
- required counseling
- required chemical use evaluation
- required community service
- required class attendance
- required Internet research
- writing a paper
- required apology

Complaints

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

Zero Tolerance Policy

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

Parental Notification Policy

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

University Judicial System

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

Any member of the University community may bring a complaint directly to the Office of Student Affairs. The complaint must be written and signed and dated. A review by the Office of Student Affairs will be initiated and if appropriate charges will be filed. Specific procedures will be followed if a case is referred to the Judicial Board.

If a student is charged with a violation of the rules and regulations the following options exist: a student may choose an administrative hearing, a University judicial board hearing, or any administrative action in which a student chooses to plead guilty to the charges and waives the right to a hearing. The Office of Student Affairs will impose a sanction.

If a student, club, or organization fails to respond to the letter of charge(s) by the deadline by either pleading responsible or not responsible SUNY Fredonia will assume a plea of not responsible. The case will be sent to an Administrative Hearing and the student, club, or organization will be notified of the hearing date and time at least two weeks in advance of the hearing. A hold will be placed on the student's record pending the outcome of the hearing. A student hold restricts a student from registering for classes, dropping or adding classes, and obtaining an official transcript. The club or organization in question will have all privileges suspended pending the outcome of the hearing.

Administrative Sanction Hearing

In an administrative sanction hearing, the Coordinator of Judicial Affairs meets with the accused student to hear the case. This option is usually chosen if a student pleads responsible to the charges and accepts the appropriate sanction. This option requires that the student waive his/her right to another hearing and to the right to appeal the decision.

Administrative Hearing

The Administrative Hearing body consists of three university faculty / administrators. The administrative hearing board hears the case, weighs the evidence and testimony of witnesses,

determines responsibility or non-responsibility of the accused and makes a sanction recommendation to the Vice President for Student Affairs. The accused student will be determined responsible or non-responsible by the preponderance of the evidence. Preponderance of evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur or that the fact or proposition is true.

Judicial Board Hearing

The University Judicial Board is comprised of twelve members. Approximately six students and six faculty/staff members are appointed for a term of one year. Members are nominated by the Student Affairs Committee or a subcommittee of the Student Affairs Committee and appointed by the University President. The Judicial Board hears the case, weighs the evidence and testimony of witnesses, determines responsibility or non-responsibility of the accused and makes a sanction recommendation to the Vice President for Student Affairs. The accused student will be determined responsible or non-responsible by the preponderance of the evidence. Preponderance of evidence means evidence that would lead a reasonable person to conclude that it is more likely than not that the act in question did occur or that the fact or proposition is true. To proceed with a hearing, a minimum of five Judicial Board members must be present. If less than five members are present the accused must agree in writing in order to have the hearing.

Procedures for the University Judicial Board:

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

Step 2: The Office of Student Affairs shall give notice of the specific charges against the student, in writing. The notice shall clearly indicate the offense with specific reference to the violated regulation and shall indicate the time and place of the initial meeting with the Coordinator of Judicial Affairs. If the student / organization requests a hearing, a separate notice shall be presented to the accused at least five (5) days prior to the hearing. In extreme cases, the five-day notification period may be waived if deemed necessary by the Vice President for Student Affairs. A student may waive, in writing, the requirement of a hearing. In such cases, the hearing body will consider the evidence. If the student does not waive the requirements of a hearing and does not appear for such a hearing his/her case will be considered by the hearing body and decision will be rendered in his/her absence.

Step 3: The Office of Student Affairs shall insure that any student charged with violating university rules or regulations has, prior to appearing before the Judicial Board, been presented with a statement defining the composition and authority of the Judicial Board.

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

Step 5: At the hearing, the student shall have a full opportunity to explain the circumstances surrounding the incident and shall be able to present pertinent evidence and testimony of

witnesses. In addition, the student shall have the opportunity to ask questions of any witnesses, respond to written statements submitted against him/her and to respond to questions. The Judicial Board shall also have the right to call witnesses, and to review materials. The student shall have the right to be assisted by an advisor and or attorney of his/her choice. The advisor or attorney may not participate in the hearing.

Step 6: All student judicial history will be withheld from the board members until a finding of responsibility has been made. If a student is found responsible for violating university policy, judicial history will be shared with the board members prior to sanction deliberation.

Step 7: The Judicial Board shall notify the student in writing of its' final decision.

Should the final decision of a Judicial Board involve Disciplinary Warning or Disciplinary Probation, the decision made by the Judicial Board shall be final unless a timely appeal has been made to the University President or his/her designee. The student shall have the right to appeal to the University President or his/her designee in writing within five (5) days from the mailing of such notification. An appeal will be considered if there is significant new information or material relevant to the case that was not presented during the hearing, or for a claimed violation of the student's due process rights.

In cases involving suspension or dismissal, the Judicial Board shall recommend such action to the President of the University or his/her designee, in which case the University President's decision shall be final.

Policies of Judicial Board

(a) The Judicial Board shall not discuss or review matters under consideration outside of the hearing. Failure of a Judicial Board member to uphold this provision renders such member subject to impeachment procedures by the Student Affairs Committee. Impeachment shall be by a two-thirds vote of that committee. Any violation of this section shall not affect the proceedings of the Judicial Board in a determination of the case.

(b) No member of the Judicial Board shall be either a witness before the court or a person previously engaged in formulating the charge or in presenting materials relating to the case.

(c) Judicial Board records shall be filed with the Office of Student Affairs and released only with the permission of the Judicial Board, the Coordinator of Judicial Affairs or the alleged violator. Records shall be kept for seven years.

(d) The Judicial Board may adopt bylaws not inconsistent with these rules and regulation upon the affirmative vote of not less than five members.

(e) The Judicial Board shall be composed of twelve members. Approximately six students and six faculty/staff members are appointed for term of one year. Members are nominated by the Student Affairs Committee or a subcommittee of the Student Affairs Committee and appointed by the University President.

(f) In order to be nominated, a student must have attained sophomore status (24 credit hours). All members of the Judicial Board must have been a member of the University community for at least one semester before taking office. No student may serve if he or she is on probation at the

time of the appointment. No member of the Judicial Board may be a voting member of the Student Association, University Senate, or the Student Affairs Committee.

Policy for Involuntary Leave for Medical/Psychological Reasons

Standards for Involuntary Leave

(a) Authority for the policy: “In the legitimate interest of the University in protecting property and the safety and welfare of specific individuals or the general public, the University President or his/her designee may temporarily suspend an individual pending a decision by a university hearing board” (Student Rights and Responsibilities, University Catalog).

(b) Proscribed Behavior: Any student who:

1. Engages, or threatens to engage, in behavior which poses imminent danger of causing substantial harm to self and/or others, or
2. Engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impede the lawful activities of others, shall be subject to involuntary withdrawal in accordance with the procedures set forth below.

Procedure for Leave

(a) Upon preliminary investigation, the student may be required to leave the University for a designated period of time. If the student is required to leave it is expected that the student will seek a psychological evaluation. This evaluation will be shared with the Office of Student Affairs and the Director of Counseling.

(b) In order to return and/or remain in school the student must be evaluated by the Director of Counseling or his/her designee. After the meeting with the Director of Counseling or his/her designee the student will need to meet with the Vice President for Student Affairs or his/her designee. The Vice President for Student Affairs or his/her designee, in consultation with the Director of Counseling or his/her designee, the Chief of Police or his/her designee and, if applicable, the Director of Residence Life or his/her designee, will decide if the student is cleared to return to school. If cleared to return to school, a contract will be developed which prescribes responsibilities of the student. These responsibilities may include: ongoing counseling, removal from or relocation within residence life, refraining from alcohol or drug use, etc. Failure to comply with this contract would result in immediate suspension from University.

Family Educational Rights and Privacy Act of 1974

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

The Family Educational Rights and Privacy Act permits current or former students to inspect and review their education records. Students are also accorded a right to a hearing in order to question the contents of their education records.

Written consent from students may be required before personally identifiable information about them will be released from their education records, as provided by law.

Specifically, institutions are permitted to release directory information on students unless the students have notified the institution to withhold this information. Directory information is “public” information, which may be released without the student’s consent to persons making inquiry. Personally identifiable information designated as directory information includes: the student’s name; local address and local telephone number; University assigned e-mail address;

student's home address and home telephone number; cell phone number; parent's name, address and telephone number; class schedule; date and place of birth; major field of study; class standing; participation in officially recognized sports and activities; weight and height (athletes); electronic images (photographs); dates of attendance at university; degrees and awards received; and the most recent previous educational institution attended.

Ex-Offenders Review Board

If a student has answered "yes" to question 19a or b on the SUNY Application for Admissions or has a pending charge of a felony or has been convicted of a felony, additional information will be needed in order to process the admission / reinstatement application.

It is the policy of the University at Fredonia to require supplemental information from applicants who have been convicted of a felony or who have been dismissed from another college due to disciplinary misconduct. This information will be reviewed by the Admissions Review Committee.

The Admissions Review Committee may deny admission to applicants based on an individual's prior conduct or conviction where the admission "would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public" (Corrections Law, section 752). The Committee may also recommend the applicant be admitted with or without special conditions related to major selection, course scheduling, involvement in campus activities or campus housing.

Consensual Relationships (Faculty/Staff and Students)

The college does not encourage intimate consensual relationships between faculty/staff and students, and has a policy prohibiting intimate relationships between faculty and students in their classes, and faculty/staff and students they are directly supervising. The Faculty Handbook provides guidelines regarding this type of relationship and states the following:

"It is the sense of faculty through its College Senate that intimate consensual relationships between college personnel and students create the potential for abuses of authority and for both actual and apparent conflicts of interest."

Students should be aware that if they enter into this type of relationship with college personnel, there may be consequences that impact on their educational experience. This may mean a student thus involved would be unable to take a course from this person or in any way be subject to their supervision authority.

Students with concerns in this matter are encouraged to contact the Office of Student Affairs, Sixth Floor, Maytum Hall, 673-3271 or the Office of Academic Affairs, Eighth Floor, Maytum Hall, 673-3335.

Academic Integrity Policy

I. Opening Statement

The State University of New York at Fredonia holds that the life of the mind and personal integrity go hand in hand, and are inseparable. Adherence to this philosophy is essential if we are to facilitate and promote the free and open exchange of ideas upon which our college mission relies. An essential component of the academic experience at SUNY Fredonia is the conviction that academic goals must be achieved by honorable means. It

is expected, therefore, that all students attending the State University of New York at Fredonia will support and abide by all provisions of the following Academic Integrity Policy. It is further understood that by enrolling in courses, students are agreeing to the rules and regulations set forth below.

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

II. Violations of Academic Integrity

Violations of academic integrity are described within four broad, overlapping categories: Fraud, Plagiarism, Cheating, and Collusion. Examples of violations of academic integrity include, but are not limited to, those described herein:

A. Fraud

Behaving deceptively, misrepresenting oneself or another person, and falsifying official print and/or electronic documents are actions that seriously undermine the integrity of any social institution and may result in criminal prosecution. In a college setting, fraudulent behavior includes but is not limited to:

1. Forging or altering official school documents, whether in print or electronic form, such as grade reports or transcripts, enrollment documents, transfer credit approvals, etc.
2. Forging or tampering with any college correspondence or medical excuses.
3. Tampering with attendance records, such as one student signing for another student.
4. Tampering with or interfering with grading procedures.
5. Misreporting or misrepresenting earned credentials, including academic status, class standing, and GPA.
6. Taking an exam in place of another student.
7. Failing to disclose necessary information on official college forms.

B. Plagiarism

Plagiarism consists of presenting the work of others as one's own. It is unethical to copy directly the words or work of other authors or artists without giving them credit. It is also unethical to rearrange or add a few words to another author's text while leaving the majority unaltered or to take an author's unique idea or discovery and to represent it as one's own. Specific examples of plagiarism include, but are not restricted to, the following examples:

1. Copying the work of another author and/or artist without giving proper credit in the text or reference to the artwork, presentation or performance; neglecting to cite the original in a footnote; and/or failing to identify full and proper documentation in the list of works cited or sampled for presentation or performance.
2. Implying that another author's words, works, or ideas are one's own. Quoting without the use of quotation marks falsely implies originality and is, therefore, an act of plagiarism.

3. Incorporating into a paper or assignment without acknowledgement verbatim corrections or other suggestions that were made by someone other than oneself, the instructor, or an assigned editor.
4. Taking information from one source (such as the Internet) and citing it as coming from another source (such as a required text or article).

C. Cheating

In all academic situations, any behavior that subverts the purpose of an academic assignment constitutes cheating, whether one actively commits the act of dishonesty on one's own behalf or enables someone else to do so. Examples of cheating include but are not limited to the following:

1. Copying someone else's work or permitting one's own work to be copied. Whether involvement in the copying process is active or passive, these acts constitute violations of academic integrity if a student is at all complicit.
2. Using unsanctioned materials, notes, software, and or equipment (such as a programmable calculator).
3. Intentionally providing or seeking questions to an exam that will be given in a later section or used as a make-up exam.
4. Communicating or sharing information during an exam obviously constitutes cheating, as does taking an exam for someone else.

D. Collusion

Most colleges and universities support some opportunities for collaborative learning, but unauthorized collaboration is considered collusion. Unless collaboration is expressly permitted by the instructor, students should work alone. Even when an instructor authorizes collaboration, collusion may still occur. In all cases, work submitted should reflect an individual's own effort. Examples of collusion include, but are not limited to, the following situations:

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

III. Judicial Procedures for Violations of Academic Integrity

A. Stage One: Departmental Level

1. An instructor who suspects a violation of the academic integrity policy will collect all information and materials related to the offense.
2. The instructor will meet with the student to present his/her charge, and the student will be given an opportunity to answer and explain. If the instructor and the student then agree that no violation has occurred, the matter is resolved and the process ends at this point. If, however, the instructor finds that a violation has occurred, whether the student admits or does not admit guilt, the matter must be communicated to the department chairperson (see No. 3 directly following). A student will not be allowed to drop a course to avoid a course sanction or to suspend judicial procedures.

3. For all cases in which the instructor determines that the student has plagiarized, cheated, colluded, or committed any act of academic dishonesty, the instructor will briefly summarize the offense in writing to his/her departmental chairperson. Copies of all information and materials related to the offense shall accompany this correspondence.
4. After appropriate consultation, the chairperson and the instructor will jointly notify the student in writing about the charge and the resulting sanctions. At this stage, some possible departmental sanctions include but are not limited to the following: a formal warning, a grade of zero being assigned to the particular performance, and/or a failing grade being given for the course. The letter from the chairperson and the instructor may also recommend that the Academic Integrity Review Board hear the case and consider, among several options, placing the student on disciplinary probation, temporarily suspending the student, or permanently expelling the student from the college.
5. Because a student may plagiarize and/or violate provisions of academic integrity in more than one department, the chairperson is required to submit a copy of all correspondence and relevant materials to the appropriate dean of the department in which the offense occurred. For undergraduate students, these materials will be delivered to the Dean of Arts and Humanities or the Dean of Natural and Social Sciences and Professional Studies; for graduate students, materials will be delivered to the Dean of Graduate Studies. The dean will then prepare a full packet of copies for the Vice President for Student Affairs in whose office the packet will be filed as part of the required maintenance of student disciplinary records.

B. Stage Two: Appeal

1. Within 14 calendar days after the chairperson has mailed the letter, the student may decide to appeal the departmental decision. If so, she/he must send a letter of intent to the Vice President for Academic Affairs, with copies sent at the same time to the chairperson in whose department the charge originated, the appropriate dean, and the Vice President for Student Affairs. Upon receipt of such communication and in a timely manner, the Vice President of Academic Affairs will contact the Chair of the Academic Integrity Review Board who will call together the members of the board for a formal hearing. Throughout the appeal process, the charged student is assumed not guilty, and in most circumstances, she/he has the right to remain in class.
2. After the same 14 days, if the student has not appealed, the college will act upon the assumption that the student has accepted the departmental decisions and any sanctions therein. Enforcement of these sanctions hereafter rests with the Office of the Vice President for Student Affairs.
3. If the department has recommended additional sanctions outside its academic purview (probation, suspension, etc.), the Academic Integrity Review Board will be convened to determine if a hearing should be held. If a hearing is scheduled, the Chair of the Academic Integrity Review Board will contact the accused student at least five days in advance.
4. Even if a student does not file a formal appeal within the above time limit, the Vice President for Student Affairs must notify the Chair of the Academic Integrity Review Board whenever a second or subsequent violation is submitted to a student's disciplinary record. The Academic Integrity Review Board will then be convened to review all charges filed and may impose additional

sanctions. The Academic Integrity Review Board will consider repeated violations of any or all of the provisions in the Academic Integrity Policy as grievous.

C. Stage Three: Academic Integrity Review Board

1. Whether the student who has been charged decides to appeal the departmental decision, or the Academic Integrity Review Board votes to initiate formal proceedings as the result of other circumstances (see above), the Academic Integrity Review Board will hear and rule on the case. A charged student has the right to select a willing student, faculty member, or an administrative staff member of the college to advise him/her throughout the review process. This non-legal adviser must be a current member of the SUNY Fredonia community (faculty, staff, student), and the adviser may accompany the charged student and advise him/her at any meetings. To avoid conflicts of interest, this adviser may not be selected from the members of the Academic Integrity Review Board.
2. At least one member from each category below is required. A quorum of six members including at least one student representative will be selected from the following categories:
 - a. The Chair of the Academic Integrity Review Board who is a full-time tenured faculty member jointly appointed by the President of the college and the Vice President for Academic Affairs and subsequently approved by the College Senate. The chair's term will be two years with the option of renewal, pending reappointment and re-approval.
 - b. Either the Vice President for Student Affairs or the Associate Vice President for Student Affairs will provide board access to pertinent Student Disciplinary records and will participate as an ex officio member (see No. 4 below). Before witnesses speak or before questions are asked, this representative of Student Affairs will present a summary of the case.
 - c. At least one, but preferably two, undergraduate (or graduate, if pertinent) student representatives selected by the college deans and after nominations by the Joint Chairs and Directors which includes directors and chairpersons of all schools and departments. No two students majoring in a single department will be invited to serve concurrently. To insure that perspectives from a diverse student population are fairly and freely heard, one student will major in an Arts and Humanities department and one will major in a Natural and Social Sciences and Professional Studies department.
 - d. The appropriate dean preferred, but one of the other two deans may act in his/her stead whenever necessary.
 - e. Two chairpersons of academic departments, one from Arts and Humanities, one from Natural and Social Sciences and Professional Studies.
 - f. An additional faculty member from a department not represented by individuals in (a) and (e) above.
3. The Chair of the Academic Integrity Review Board, after prior consultation with the assembled board, may call witnesses, and the student who has been charged may also call witnesses. At the conclusion, the charged student will be asked to address the allegation by pleading guilty or not guilty, and she/he then has the right to speak on his or her behalf. All participants in this hearing will be informed that deliberations are to remain strictly confidential. Hearings of the

judicial Review Board will be tape recorded to provide a record of the proceedings.

4. After the hearing, the Academic Integrity Review Board will deliberate and make a formal decision. In the final determination, each of the members of the board, including the Chair of the Board, will cast a single and equally weighted vote. In the event of a tie vote concluding a case, the Chair of the Board will cast an additional vote. Voting will be conducted by written ballot, and the results will be disclosed to board members. Board members are not to disclose either the board's determination or any specifics related to the voting.
5. In a timely manner, the Chair of the Academic Integrity Review Board will complete the hearing report and will deliver copies to the chairperson in whose department the charge originated, the Vice President for Academic Affairs, and the Vice President for Student Affairs. The final report of the Academic Integrity Review Board will include the following:
 - a. A determination of Not Guilty (no violation of academic integrity has been found) or Guilty (the student has been found responsible for the charged violation on the basis of the evidence submitted or has admitted guilt).
 - b. If the student had been found guilty of violating the Academic Integrity Policy, the penalty must also be identified. Sanctions or penalties imposed should be commensurate with the offense and will take into account the student disciplinary records on file.
6. On the same day the board's decision is delivered to the three individuals above (No. 5), the student will be informed of the board's decision in a meeting with the Vice President for Student Affairs and the Chair of the Academic Integrity Review Board. The student will then be given a copy of the hearing report prepared by the Chair of the Academic Integrity Review Board.
7. Should the student decide to appeal the Academic Integrity Review Board's decision, he or she may do so in a written justification to the President of the college but only if/when the substance of the presented case has changed (i.e., additional and significant evidence is discovered).

D. Maintenance of Student Disciplinary Records

Individual files on all students who are formally charged with violations of the Academic Integrity Policy will be prepared at the time of the student's initial offense and maintained for 10 years thereafter in the Office of the Vice President for Student Affairs. Instructors and chairpersons will initiate this process by submitting, to their dean, a copy of the information and materials related to the offense and a copy of the departmental letter which identifies the charge and which has been mailed to the student. All subsequent materials related to the charge will be copied in the dean's office and delivered to the Vice President for Student Affairs for the student's disciplinary file.

Statement Regarding SUNY Fredonia's Celebration of Diversity

The college welcomes the experience, talent, and surge of energy that comes from a culturally diverse campus. It has pledged to ensure that everyone is treated fairly, without degradation of race, religion, ethnicity, gender, affection orientation, physical/mental challenge, or any other characteristic not germane to a person's rights or human worth. Campus specifically prohibits:

Fighting and threats to, physical abuse of, or harassment that threatens to or does endanger the health, safety, or welfare of a member of the college.

Engaging in any action or situation that which recklessly or intentionally dangers the mental or physical health of a member of the college community; creating in a situation that results in the discomfort of, or harassment or excessive ridicule of a member of the college community.

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

Policy Statement on Religious Absences

The Education Law of New York says, in part:

1. No person shall be expelled from or be refused admission as a student to an institution of higher education for the reason that he/she is unable, because of his/her religious beliefs, to attend classes or to participate in any examination, study, or work requirement on a particular day or days.
2. Any student in an institution of higher education who is unable, because of his/her religious beliefs, to attend classes on a particular day or days shall, because of such absence on the particular day or days, be excused from any examination or any study or work requirements.
3. It shall be the responsibility of the faculty and of the administrative officials of each institution of higher education to make available to each student who is absent from school, because of his/her religious beliefs, an equivalent opportunity to make up any examination, study, or work requirements which he/she may have missed because of such absence on any day or days. No fees of any kind shall be charged by the institution for making available to the said student such equivalent opportunity.
4. If registration, classes, examinations, study or work requirements are held on Friday after four o'clock post meridian or on Saturday, similar or makeup classes, examinations, study, or work requirements shall be made available on other days, where it is possible and practicable to do so. No special fees shall be charged to the student for these classes, registration, examinations, study, or work requirements held on other days.
5. In effectuating the provisions of this section, it shall be the duty of the faculty and of the administrative officials of each institution of higher education to exercise the fullest measure of good faith. No adverse or prejudicial effects shall result to any student because of his/her availing himself/herself of the provisions of this section.
6. Any student, who is aggrieved by the alleged failure of any faculty or administrative officials to comply in good faith with the provisions of this section, shall be entitled to maintain an action or proceeding in the Supreme Court of the county in which such institution of higher education is located for the enforcement of his/her rights under this section. It shall be the responsibility of the administrative officials of each institution of higher education to give written notice to students of their rights under this section, informing them that each student who is absent from school, because of his or her religious beliefs, must be given an equivalent opportunity to register for classes or make up any examination, study or work requirements for which he or she may have missed because of such absence on any particular day or days. No fees of any kind shall

be charged by the institution for making available to such student such equivalent opportunity.

7. As used in this section the term "institution of higher education" shall mean any institution of higher education, recognized and approved by the Regents of the University of the State of New York, which provides a course of study leading to the granting of a post-secondary degree or diploma. Such term shall not include any institution which is operated, supervised or controlled by a church or by a religious or denominational organization whose educational programs are principally designed for the purpose of training ministers or other religious functionaries or for the purpose of propagating religious doctrines. As used in this section, the term "religious belief" shall mean beliefs associated with any corporation organized and operated exclusively for religious purposes, which is not disqualified for tax exemption under Section 501 of the United States Code.

Sexual Discrimination And Sexual Harassment

The College Policy

Sexual discrimination in the form of sexual harassment, defined as the use of one's authority and power to coerce another individual into sexual acts or relations or to punish the other for his/her refusal, shall be a violation of the policy of SUNY Fredonia.

What Is Sexual Discrimination?

"No person in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance." Title IX of the Educational Amendments of 1972.

What Is Sexual Harassment?

Sexual harassment may include repeated unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature carried out by someone in the workplace or educational setting. Such behavior may offend the recipient, cause discomfort or humiliation and interfere with job or school performance.

Peer Harassment - Students have a right to an environment free from sexual harassment, not only by persons in positions of power, but by any member of the university community. Sexual harassment constitutes a serious threat to the free interaction and exchange necessary for educational and personal development.

Sexual harassment may range from inappropriate sexual innuendos to coerced sexual relations. It can happen to both men and women, but a woman is more often the victim.

What Can Be Done About Sexual Discrimination/Harassment?

What can a student do when he/she believes that...

course material ignores or depreciates a student because of his/her sex?

an adviser does not take a student's career and educational goals seriously because she/he appears to believe them inappropriate for members of his/her sex?

a student is denied resources, such as financial aid, teaching assistantships, or admission to a program for sexist reasons?

a student is pressured by a professor or staff person to participate with him/her in social and/or sexual activities?

Students often feel powerless in such situations but there are people on campus who are willing to talk to them about those problems without any obligation on the part of either party. Such situations as those described above are not condoned by SUNY Fredonia nor the teaching profession. In some instances they occur out of ignorance and misunderstanding and need only to be brought to the attention of the professor. In other instances they can be considered unethical and subject to professional reprimand.

Actions A Student Can Take

(In suggested order)

1. The student can talk to the professor or staff person, carefully explaining why he/she views the particular comment, joke, course reading, action taken, etc. as sexist. The student should regard the meeting as a kind of consciousness-raising session where he/she can help him/her understand how he/she feels. Sometimes people aren't aware of how their remarks or actions affect someone else, and communicating their feelings to the professor might be the most helpful to him/her in avoiding such actions in the future. The student is to be sure to prepare for the meeting ahead of time with documentation (e.g., class notes, tapes, specific comments he/she made and a logical presentation). Sometimes people don't understand how sexist remarks can hurt; it might help the student to draw the analogy of racist or anti-ethnic remarks - "Would you make fun of a person's skin color or ethnic background? Then why do so with sex?" To get support the student should consider going to see the professor with several other people from class. If he/she can't find others in the class (and discussing the issues with other students in itself may help raise consciousness), he/she should take friends along who aren't in the class. The student might also seek help from those listed below.
2. The student should contact college people and groups who are concerned about sexual discrimination. These people are willing to listen, discuss specific incidents, and provide help and advice if wanted:
[Mrs. Sandra A. Lewis, Affirmative Action](#) (ext. 3358)
[Chief Ann McCarron Burns, University Police](#) (ext. 3465)
[Dr. David E. Herman, Student Affairs](#) (ext. 3271)
[Mrs. Julie Bezek, Counseling Center](#) (ext. 3424)
[Mrs. Monica White, Student Affairs](#) (ext. 3271)
[Ms. Averl Otis, Multicultural Affairs](#) (ext. 3398)
3. If a student has talked to the professor or staff person and sexual discrimination continues, the student should write a letter to him/her documenting the incidents and explaining why they are offensive. The student should state that he/she has not obtained results from previous discussion(s) and note the date(s) of the discussion(s). The student should send a carbon copy to the head of his/her department or unit and to one of the above-listed people. Students who fail to receive a satisfactory answer from the staff members and/or head, should request a meeting with the two of them and take along an objective third party (another professor or perhaps one of the people in the above list).
4. Students should not enroll in classes that are sexually discriminatory, and should let the professor know why they haven't enrolled. In filling out course evaluation forms, a student should make it known why he/she has been offended by such discriminatory comments or actions. If the professor has responded to earlier complaints and has made efforts to change, support those efforts in the evaluation. Students are asked to remember to always give full support to professors who are fair and who treat students as human beings regardless of sex.

5. It may be necessary to file a formal grievance or complaint. This is a very serious step and should not be undertaken without discussion and counsel with a staff member who understands established grievance procedures at SUNY Fredonia. Once again, students are asked to consult with one of the people on the above list.

Credit for the above is readily given to the Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., Washington, D.C., and the Utah State University Committee on the Status of Women.