

STUDENT CODE OF CONDUCT
UNIVERSITY STANDARDS AND ADMINISTRATIVE REGULATIONS

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Preamble

University disciplinary processes take appropriate action when student conduct directly and significantly interferes with the University's primary educational responsibility of insuring all members of its community the opportunity to attain their educational objectives in consonance with the institution's mandate. These regulations governing student behavior have been formulated to be reasonable and realistic for all students.

When a student has been apprehended for the violation of a law of the community, the state, or nation, it is the University's position not to request or agree to special consideration for the student because of his or her student status. It should be understood that the University is not a law enforcement agency. At the same time, the University does not conceive of itself as a "sanctuary" for law breakers. The University has always been and should continue to be concerned that whenever students are involved in legal problems they be adequately advised and represented by qualified counsel.

A university, especially a State University subject to constitutional requirements, must guarantee students the rights which the society and its laws protect. An American university guarantees its students these rights on campus.

Students who violate a local ordinance, or any law, risk the legal penalties prescribed by civil authorities. However, violation of law for which the student pays the penalty will not necessarily involve a violation of academic standards or rules of the University. The University cannot be held responsible for off-campus activities of its individual students but maintains an interest in all behavior, whether on or off-campus, which may adversely affect the University. In cases involving violations of the law which occur off campus, the University may be concerned with the incidents which, by their nature adversely affect the University's educational mission.

In any University disciplinary procedure one of the highest priorities of the University is to safeguard the student's right to due process. Due Process is not an evasive legal concept but rather simply requires the rudimentary elements of "fair play" in an administrative proceeding. To this end, all University disciplinary procedures will at least afford the accused student a clear statement of the charges and the nature of the information upon which the charges are based. Secondly, the accused student shall be given the chance to have a fair hearing, and present his or her own position, information and explanation. Lastly, no disciplinary action will be taken unless the charges are substantiated by the information. The courts have indicated that if these minimal elements of "fair play" are fulfilled, the defendant will have been afforded due process under the law.

All campuses of the State University, including the University at Buffalo, engage in periodic review of their policies to ensure they comply with current applicable case law and other legal mandates. The entire SUNY system operates under the Board of Trustees mandate that: "no student, faculty, or other staff member or authorized visitor shall be subject to any limitation or penalty solely for the expression of his view nor for having assembled with others for such purpose." (8 NYCRR Section 535.4)

In summary, the University expects and asks for its members no greater or no less freedom or liberty than exists for other persons in society. The University's position, therefore, is not to request or agree to special consideration because of the student's status. The University will not interfere with law enforcement and other agencies. As part of its educational mandate, it will be concerned about student rehabilitation and contribution to campus and society now and into the future.

Further information on academic policies can be found at the Student Response Center web site, which can be found at <http://src.buffalo.edu/policies/index.shtml>

ARTICLE 1: DEFINITIONS

- A. The term "**University**" means the University at Buffalo, The State University of New York.
- B. The term "**student**" is defined as any person who has enrolled or registered for study at the University at Buffalo for any academic period. Student status continues until it is terminated upon the occurrence of graduation, voluntary withdrawal, or other withdrawal / dismissal / expulsion of the student initiated by the University. A person shall also be considered a student when they are attending or participating in any activity preparatory to the beginning of school including, but not limited to, orientation and University housing check-in.
- C. The terms "**academic good standing**" and "**satisfactory and timely progress toward a degree**" are defined for undergraduates at <http://undergrad-catalog.buffalo.edu/policies> and for graduate students at <http://www.grad.buffalo.edu/policies/goodstanding.php>.
- D. The term "**faculty member**" means any person conducting classroom activities at UB.
- E. The term "**University official**" includes any person employed by the University performing assigned administrative or professional responsibilities.
- F. The term "**member of the University community**" includes any person who is a student, faculty member, University official or any other person employed by the University.
- G. The term "**University premises**" includes all land, buildings, facilities, and other property in the possession of or owned, used, managed or controlled by the University or affiliates.
- H. The term "**organization**" means any number of persons who have complied with the formal requirements for University recognition.
- I. The term "**judicial body**" means any persons authorized by the Director of Judicial Affairs to determine whether a student has violated the Student Code of Conduct and to recommend imposition of sanctions.
- J. The term "**Appellate Body**" means any person or persons authorized by the Director of Judicial Affairs to consider an appeal from a judicial body's determination that a student has violated the Student Code or from the sanctions imposed by the Student-Wide Judiciary.
- K. The "**Vice President for Student Affairs**" and the "**Associate Vice President for Campus Life**" are the persons designated by the University President to be responsible for the administration of the Student Code of Conduct.
- L. The term "**policy**" is defined as the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Life Handbook, the Undergraduate Catalog, and the Graduate Policies and Procedures.
- M. For definitions relating to "**academic integrity**", see the following locations: <http://undergrad-catalog.buffalo.edu/policies/course/integrity.shtml> and <http://www.grad.buffalo.edu/policies/index.php> for graduate students. For additional information please contact your specific professional school.
- N. The term "**dismissal**" means that a student is permanently removed, for academic reasons, from all privileges offered by association with the University. Application for readmission may be possible.
- O. The term "**suspension**" means removing from a student, for disciplinary reasons, some or all privileges offered by association with the University for a specified period of time.

- P. The term "**expulsion**" means permanently removing from a student all privileges offered by association with the University.
- Q. The term "**clear and present danger**" means immediate serious violence is expected or past conduct furnished reason to believe such conduct is contemplated; also, potential of immediate future repetition of prohibited conduct, i.e., sale/possession of drugs, acts of violence, deviant sexual behavior, sale/distribution of alcohol, etc.
- R. The term "**temporary suspension**" means under certain circumstances a student may be deemed to be a clear and present danger to the University community and may be suspended immediately pending a timely hearing on the charges.
- S. The term "**hearing**" refers to the meeting the student will have with a University official or judicial body as a result of being documented in an incident involving alleged policy violations. Sanctioned bodies include Greek Life Advisory Board, Student-Wide Judiciary, Residence Life, any authorized Greek letter Panel, administrative hearing bodies as assigned by the Director of Judicial Affairs (or designee), and authorized bodies within University academic divisions.
- T. The term "**hearing panel**" refers to an adjudication that takes place when an agreement on the basis of responsibility for rules violations cannot be amicably reached.
- U. The term "**victim impact statement**" refers to a written letter or e-mail provided to the appropriate judicial body from the victim of a situation. This may be used to consider sanctioning if a student is found responsible for violating campus rules relative to the victim.

ARTICLE 2: JUDICIAL AUTHORITY

Jurisdiction of the University

- A. University jurisdiction and discipline shall pertain to conduct which occurs on University premises, in / on properties or buildings owned / operated by the University, or off-campus and which adversely affects the University community, including any of its members, and/or the pursuit of its objectives and mission. In addition, illegal conduct off-campus may be adjudicated on campus as a violation of the Student Code of Conduct, and students outside of the United States may be held responsible on campus for violations of the laws of the country where they are visiting/residing.
- B. University regulations and procedures shall determine the composition of judicial bodies and determine which judicial body shall be authorized to hear each case.
1. The Director of Judicial Affairs shall oversee the development of policies for the administration of the judicial program and procedural rules for the conduct of hearings.
 2. Decisions made by a judicial body shall be final, pending the normal appeal process.
 3. A judicial body may be designated as arbiter of disputes within the student community in situations which do not involve a violation of the Student Code of Conduct. This includes but is not limited to student government constitutional, procedural, and election issue.
- C. The University Police Officers are appointed under the Education Law and the Criminal Procedure Law. They have the authority to make arrests, and are empowered to enforce these regulations and all applicable laws on campus and on any properties owned, rented, or leased by the University. The University Police Officers have the authority of policemen. Among their powers are the power to execute warrants, the power to stop, identify and interrogate individuals, and the power to issue appearance tickets.

Campus Disciplinary Action

Students referred for violations of the Student Code of Conduct are subject to disciplinary action through the Office of Judicial Affairs. The Director of the Office of Judicial Affairs will decide on the appropriate judicial body. A student may be referred to the Student-Wide Judiciary (SWJ), or to an administrative hearing. Both the SWJ and the administrative hearing officers act under the discretion of the Office of Judicial Affairs.

A. The SWJ is comprised of Justices and University Hearing Representatives. Justices are appointed by their respective student governments. University Hearing Representatives are students working for the Office of Judicial Affairs. Students meet with Hearing Representatives to resolve a referral. Both parties appear before a Justice for a formal review of the agreement, or if no agreement is forthcoming, either party may initiate a group consultation with the Justice. If no agreement is possible, either party may request a hearing panel of Justices. Hearing panels follow specific rules of procedure and the findings of the Justices are final and binding pending the appropriate appeal process. Details regarding the SWJ Rules of Procedure are available at the following web site: <http://www.student-affairs.buffalo.edu/judicial/rulereg.php>

1. Students accused of a violation of the Student Code of Conduct may choose an administrative hearing in place of the SWJ.

B. Administrative Hearing

The Director of the Office of Judicial Affairs (or designee) selects at least one person in an administrative capacity at the University to provide a disciplinary hearing opportunity for a current (or former) student with pending campus disciplinary charges. Details regarding the procedures for administrative hearings are available at the following web site: <http://www.student-affairs.buffalo.edu/judicial/rulereg.php>

Victims Rights

When appearing before a campus judicial body, the following principles apply:

1. The right of a victim to have a person or persons of their choice accompany them throughout the disciplinary hearing.
2. The right to remain present during the entire proceeding.
3. The right, as established in state criminal codes, not to have his or her irrelevant past sexual history discussed during the hearing.
4. The right to make a "victim impact statement" and to suggest an appropriate sanction if the accused is found in violation of the Student Code of Conduct.
5. The right to be informed immediately of the outcome of the hearing.

Sanctions

Sanctions shall be at the discretion of the judicial body and shall be limited only by the rules governing the University disciplinary bodies.

A. The judicial bodies have the power to institute and/or recommend* the following range of sanctions:

1. Warning
2. Restitution
3. Counseling
4. Loss of privileges
 - (a) Removal from University housing facilities.
 - (b) Loss of such privileges as may be consistent with the type of violation and the rehabilitation of the student.
5. Campus Orders of Protection
6. Disciplinary probation with or without the loss of designated privileges for a specific period of time. The violation of the terms of disciplinary probation or the infraction of any University rule during the period of disciplinary probation may be grounds for suspension or expulsion from the University.
7. Suspension from the University for a specific period of time*.
8. Expulsion from the University*.
9. Community Service
10. Permanent Transcript Notation – A student transcript will be subject to disciplinary notation for the following reasons:
 - (a) Hazing
 - (b) Other serious violations which may include, but are not limited to, physical violence, weapons possession, drug or alcohol sale, arson, or any conduct that could lead to the death or physical injury of another person.
11. Such other sanctions as may be approved by the University’s judicial bodies / administrative hearing officer(s).

- B. If a student is found responsible for hazing, a notation of “**disciplinary sanction**” along with the date the sanction is imposed will remain on his or her transcript permanently.
- C. If a student is suspended from the University at Buffalo for a period of one calendar year or longer, a notation of “**suspension-disciplinary**” along with the date the suspension is imposed, will remain on his or her transcript permanently.
- D. If a student is expelled from the University at Buffalo a notation of “**expulsion-disciplinary**” along with the date the expulsion is imposed, will remain on his or her transcript permanently.
- E. Students who receive a permanent transcript notation for suspension or expulsion will not receive academic credit for the semester in which the suspension or expulsion occurred. In addition, students will be liable for all tuition and fees.
- F. Such other sanctions as may be approved by the University's judicial bodies.
- G. More severe sanctions will result for repeat offenders.

*Subject to final review of the President, or designee, an action that is mandatory if suspension or expulsion is recommended.

ARTICLE 3: PROSCRIBED CONDUCT

Applicable Laws, Rules and Regulations

All rules of the Board of Trustees of SUNY, and all the laws of the City of Buffalo, the Town of Amherst, the State of New York, and the United States of America apply on the campus

and are considered part of the Student Code of Conduct. The State of New York laws include, but are not limited to, the New York State Penal Law, the New York State Vehicle and Traffic Law, the New York State Education Law, and the Alcoholic Beverage Control Law.

All of the rules and regulations in these chapters shall be considered as supplementing and implementing the appropriate rules of the Board of Trustees and city, state, and federal laws, and shall apply to all students. Students should familiarize themselves with the following University Regulations: Academic and Departmental, Library, University Motor Vehicle, Residence Halls, Apartments, University Health and Safety, Student Union, Computing & Information Technology rules of use statement, and other regulations established by University units in pursuit of their missions.

All non-academic regulations should be submitted annually to the Vice President for Student Affairs for review for consistency and subsequent approval. Conspicuous posting and/or dissemination to students affected by the regulations is the responsibility of the individual issuing department. Any offenses arising out of any of the rules mentioned shall be considered proper matters for adjudication before the appropriate University disciplinary body.

General Conduct Rules and Regulations

Any student found responsible for committing the following misconduct is subject to disciplinary sanctioning:

1. ALCOHOL

- A. Use or possession of alcoholic beverages except as expressly permitted by law, University regulations; and/or public intoxication.
- B. Distribution of alcoholic beverages except as expressly permitted by law and University regulations.

2. AMPLIFICATION - Use of amplification/audiovisual equipment and/or interference with any public, office, library, classroom, or other University function in any of the reservation facilities without prior approval from the Reservations Office.

3. ANIMALS – Possession or accompaniment of animals in any University building at any time. Exceptions include laboratory animals or animals trained to assist the disabled, and the University Residence Halls & Apartments guidelines for pets

4. ARSON - Causing a fire or explosion, or unauthorized use of any potential incendiary device / equipment.

5. ASSAULT – slapping, kicking, shoving or otherwise striking another person.

6. ATTEMPT - Attempting to engage in conduct which, if completed, would result in the violation of any rule applicable to the University.

7. COMPLICITY - Aiding, helping or otherwise assisting another in violating any rule applicable to the University.

8. COMPUTER ABUSE

- A. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- B. Unauthorized transfer of a file.
- C. Use of another individual's identification and password.
- D. Use of computing facilities to interfere with the work of another student, faculty member or University official.
- E. Use of computing facilities and/or e-mail to send obscene or abusive messages.
- F. Use of computing facilities and/or e-mail to send unsolicited or unauthorized messages with the intention of reaching as many users as possible.
- G. Theft or abuse of computer time.
- H. Use of computing facilities and/or e-mail to interfere with normal operation of the University computing system.

9. **DEMONSTRATIONS** - Participation in a campus demonstration which disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt schedules and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement.

- A. Providing or dispensing of materials that could lead to harm or injury to a person, including but not limited to self-defense spray, objects that can be thrown, objects that can be used to deface property, etc.

10. **DESTRUCTION OF PROPERTY**

- A. Destroying, defacing, materially altering or otherwise damaging property not his or her own. This includes, but is not limited to, doors, windows, swipe card mechanisms, restroom equipment, vending machine equipment, University transportation equipment, etc.
- B. Creating a condition which endangers or threatens property not his or her own.

11. **DISCRIMINATION** – Discrimination of a person or group based on race, gender, age, sexual orientation, religion, disability or veteran status.

12. **DISHONESTY**

- A. Cheating, plagiarism, or other forms of academic dishonesty, as defined at the following locations: <http://undergrad-catalog.buffalo.edu/policies/course/integrity.shtml> for undergraduates, and <http://www.grad.buffalo.edu/policies/index.php> for graduate students.
- B. Furnishing false information to any University official, faculty member, employee or office.
- C. Forgery, alteration, or misuse of any instrument of identification including but not limited to driving licenses, passports, UB Cards, etc.
- D. Forgery, alteration, falsification, or misuse of any University or Official document, supplies, or record, including but not limited to:
 - i. Submission of a falsified universal grade change form to the University.
 - ii. Submission of false grade information of any sort to a University office or department, employer, academic institution, etc.

- iii. Altering any academic coursework and or examinations so as to unjustly affect the grade awarded to that assignment.
- iv. Knowingly falsifying application information.

13. **DISORDERLY CONDUCT** - Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace.

14. **DISRUPTION** - Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public-service functions on or off campus, or other authorized non-University activities.

15. **ELECTION TAMPERING** – Tampering with the election of any recognized University student organization.

16. **FIRE-SAFETY EQUIPMENT** – Tampering with, or misuse of, fire alarms and firefighting equipment, including but not limited to fire extinguishers, fire hoses, heat and smoke detectors, sprinkler systems, etc.

17. **GAMBLING** - Gambling for money or other valuables on University property or in any University-managed facility.

18. **HARASSMENT**

- A. Threatening or intimidating a person creating a rational fear within that person.
- B. Engaging in a course of conduct or repeatedly committing acts directed at another person which would seriously annoy a rational person.
- C. Creating a condition which endangers or threatens the health, safety or welfare of another person.
- D. Physically restraining or detaining another person, or removing any person from any place where he or she is authorized to remain.

19. **HAZING** - Any act which endangers the mental 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 or organization.

20. **IMPAIRED DRIVING** - Operating a motor vehicle while under the influence of drugs or alcohol.

21. **JUDICIAL SYSTEM**

- A. Failure to obey the summons of a judicial body or University official.
- B. Falsification, distortion, or misrepresentation of information before a judicial body.
- C. Disruption or interference with the orderly conduct of a judicial proceeding.
- D. Institution of a judicial proceeding knowingly without cause.
- E. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- F. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.

G. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.

H. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.

I. Influencing or attempting to influence another person to commit an abuse of the judicial system.

22. **KEYS/ACCESS CARDS** - Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.

23. **LAWS** - Violation of federal, state or local law. NOTE: A finding of a violation under this rule does not require proof of a conviction in any non-campus legal proceeding.

24. **LEAVING THE SCENE** - Attempting to flee or unlawfully leaving the area of an accident, crime, a University violation (and/or areas of potential accidents, crimes, or violations), or avoiding being apprehended or questioning the University or other law enforcement agencies.

25. **LIBRARY PROPERTY** - Injury, defacement, destruction, or detention of (for more than thirty days following written notice from the University Libraries) any property belonging to, or deposited in, the University Libraries.

26. **MISREPRESENTATION** - Knowingly distorting or altering the truth for personal gain or favor.

27. **PHYSICAL VIOLENCE** - Physical violence or abuse (including acquaintance rape), verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.

A. Using self-defense spray when circumstances do not justify it.

28. **POSSESSION** - Knowingly obtaining property, (including abandoned property), without the explicit authorization of the rightful owner.

A. Possession without authority of any University supplies or documents.

29. **REASONABLE REQUEST** - Failure to comply with a reasonable request of a University official, including but not limited to: an individual instructing a class, a librarian or designee in a library, a University Police Officer, any Resident Advisor, Residence Hall Director, and members of the University staff carrying out their duties and responsibilities

30. **RULES** - Violation of published University policies, rules, or regulations.

31. **SEXUAL HARASSMENT** –

A. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

B. Unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment.

C. Submission to or enduring such conduct when rejected is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activity.

32. **SMOKING** - Prohibited on all University-managed property, including all vehicles owned, leased, and operated by the University. NOTE: Parking lots more than 100 feet from campus buildings are not prohibited until August 1, 2010.

33. **STALKING** - Repeated coercive acts or offenses which collectively instill a fear of physical injury or harm. This includes any action for which the purpose is to attempt to manipulate or control another person.

A. Inappropriate actions may include, but are not limited to: phone calls, physical and/or verbal confrontations, breaking and entering (cars, apartments, lockers, etc.), vandalizing, etc.

34. **SUBSTANCES** - Use, possession or distribution of narcotics, controlled substances, and/or related paraphernalia except as expressly permitted by law.

35. **THEFT** - Using, taking, and/or possessing property or services that are knowingly not his or her own.

36. **TRAFFIC** - Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

37. **TRESPASS/UNAUTHORIZED ENTRY** - Knowingly entering or remaining in a building, office, residence hall room or any other properties at any time without permission or authorization.

38. **WEAPONS** - Unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises.

39. **UNIVERSITY GROUNDS**

A. Use of University space and grounds by an organization or person without reservation of the space or proper authorization.

B. Operation of bicycles, skateboards, rollerblades, or other recreational items in any University building or facility.

C. Operation of bicycles, skateboards, rollerblades, or other recreational items in a reckless or unsafe manner on University grounds.

D. Storage of bicycles, skateboards, rollerblades, or other recreational items within any University building or facility without appropriate authorization.

ARTICLE 4 A: RULES OF THE SUNY BOARD OF TRUSTEES

The rules of the SUNY Board of Trustees can be found online at http://www.suny.edu/board_of_trustees/pdf/policies.pdf.

ARTICLE 4 B: UNIVERSITY STANDARDS

A. Academic Environment

1. Academic Dishonesty

For definitions relating to academic integrity, see the following locations: <http://undergrad-catalog.buffalo.edu/policies/course/integrity.shtml> for undergraduates and <http://www.grad.buffalo.edu/policies/index.php> for graduate students. For recent updates to academic policies, <http://vpue.buffalo.edu/docs/documents/AcademicPolicyUpdates052009.pdf> . For additional information please contact your specific professional school.

2. Academic Freedom

The University supports the principle of academic freedom as a concept intrinsic to the achievement of its institutional goals. This principle implies a trust in the integrity and responsibility of the members of the academic community. Samuel P. Capen, former Chancellor of the University of Buffalo, who is remembered for the tradition of academic freedom he implemented during his leadership of the University, said in 1935:

"Acceptance by an institution of the principles of academic freedom implies that teachers in that institution are free to investigate any subject, no matter how much it may be hedged about by taboos; that they are free to make known the results of their investigation and their reflection by word of mouth or in writing, before their classes or elsewhere; that they are free as citizens to take part in any public controversy outside the institution; that no repressive measures, direct or indirect, will be applied to them no matter how unpopular they may become through opposing powerful interests or jostling established prejudices, and no matter how mistaken they may appear to be in the eyes of members and friends of the institution; that their continuance in office will be in all instances governed by the prevailing rules of tenure and that their academic advancement will be dependent on their scientific competence and will be in no way affected by the popularity or unpopularity of their opinions or utterances; that students in the institution are free, insofar as the requirements of the several curricula permit, to inquire into any subject that interests them, to organize discussion groups or study clubs for the consideration of any subject, and to invite to address them any speaker they may choose; that censorship of student publications shall be based on precisely the same grounds and shall extend no further than that exercised by the United States Postal Authorities."

3. Medical Excuses

The UB Student Wellness Team (Health Services, Counseling Services, Wellness Education Services) will not issue notes or excuses on a routine basis. To do so creates an undesirable climate for health care and disempowers students.

Responsibility for class attendance and for completing assignments rests primarily with the student, who assumes this responsibility by communicating directly with faculty. Health Services and Counseling Services will, with the authorization of the student, verify the nature and extent of illness if the faculty member wishes to call.

The UB Student Wellness Team can be reached at: <http://www.student-affairs.buffalo.edu/shs/>

4. Nondiscrimination

The University at Buffalo is committed to fostering a positive environment for learning, and to ensuring the safety, rights, and dignity of every member of the University community. To that end the University encourages each and every member of the academic community to assume individual responsibility for respecting the rights and dignity of others and for helping to promote the free and open exchange of ideas in an atmosphere of mutual respect.

Certain types of discrimination are prohibited by law. For example, discrimination on the basis of race is expressly prohibited by both federal and state constitutions and by a wide range of federal and state statutes. Other state and federal laws prohibit particular forms of discrimination based on such factors as sex, religion, national origin, age, disability, marital status, sexual orientation, or veteran status. Furthermore, Governor's Executive Order No. 28.1 prohibits discrimination on the basis of sexual orientation in employment and provision of services by state agencies. Students should be aware that anyone who violates laws prohibiting specific forms of discrimination may lead to criminal prosecution or civil penalties. Harassment of any student, employee, or guest based upon any of these factors is prohibited by both law and University policy, and is subject to disciplinary action.

The State University Trustees have adopted a policy (Trustee's Resolution 83-216) which directs that judgments about and actions toward students and employees within the SUNY system be based on their qualifications, abilities and performance. The Trustee's policy goes on to say that attitudes, practices, and preferences of individuals that are essentially personal in nature, such as private expression or sexual orientation, are unrelated to performance and provide no basis for judgment.

Finally, it is the policy of the University at Buffalo to prohibit invidious categorical discrimination based on such characteristics as race, sex, sexual orientation, age, national origin, religion, veteran or marital status or disability in all matters affecting employment or educational opportunities within the University itself. It is the firm belief of the Council, the faculty, and the administration that judgments about persons within the University should be based on their individual merits, accomplishments, aptitudes, and behavior, and that invidious categorical discrimination is wholly inappropriate to the University's mission and values. Students who violate this policy shall be subject to sanctions within the University, up to and including expulsion. Any violation of the rules which is motivated by bias may be prosecuted and/or sanctioned as a more serious offense.

Complaints regarding any violations of nondiscrimination laws or policies, including sexual harassment or failure to provide reasonable accommodation should be made to the Office of Equity, Diversity, and Affirmative Action Administration, 645-2266.

B. Behavioral

1. Administrative Review/Withdrawal

(a) A student may be subject to an immediate administrative hearing OR an administrative review process, both of which could result in an involuntary administrative withdrawal from the University, or from University housing, if it is determined, by clear and convincing evidence, that the student is suffering from a psychological, emotional, or medical condition or disorder, and as a result:

- (i) engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others, or
- (ii) engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impede the lawful activities of others.
- (iii) engages or threatens to engage in behavior which would cause significant and/or repeated disruption to the University community.

(b) These standards do not preclude removal from the University, or University housing, in accordance with provisions of the residence hall occupancy agreement, or other University rules or regulations.

(c) A student accused of violating University disciplinary regulations may be diverted from the disciplinary process and withdrawn in accordance with these standards, if the student, as a result of mental disorder:

- (i) lacks the capacity to respond to pending disciplinary charges, or
- (ii) did not know the nature or wrongfulness of the conduct at the time of the offense.

(d) The Vice President for Student Affairs or designee may also convene a Behavior Evaluation Committee, to consist of as many of the following as are appropriate and available to serve: member of Counseling Services professional staff, member of Student Health Services professional staff, member of University Residence Halls & Apartments professional staff (if student is an on-campus resident), member of University Police professional staff, member of the Judicial Affairs professional staff and any other individual(s) whom the Vice President believes can provide significant input regarding the student.

The Behavior Evaluation Committee, in consultation with a health care professional who has evaluated the student, will meet to review the student's situation and recommend that:

- (i) no action be taken.
- (ii) advisement of student about services available, on campus or within the community, to resolve psychological, emotional, or medical difficulties.
- (iii) advisement of student on voluntary withdrawal from the University and/or residence halls.
- (iv) involuntary administrative withdrawal process be initiated.

(e) The Vice President for Student Affairs or designee may refer a student for evaluation by a psychiatrist, psychologist, or other appropriate health care professional if the Vice President or designee reasonably believes that the student may be suffering from a psychological, emotional, or medical condition or disorder, and the student's behavior poses a danger of causing physical harm to the student or others, causing property damage, or impeding the lawful activities of others.

(f) Students referred for evaluation in accordance with this Part shall be so informed in writing, either by personal delivery or by certified mail, and shall be given a copy of these standards and procedures. The evaluation must be initiated within five business days from the date of the referral letter, unless an extension is granted by the Vice President or designee in writing.

(g) Any pending disciplinary action may be withheld until the evaluation is completed, at the discretion of the Vice President for Student Affairs or designee.

(h) A student who fails to complete the evaluation in accordance with these standards and procedures may be withdrawn on an interim basis, or referred for disciplinary action, or both.

(i) An interim administrative withdrawal may be implemented immediately if a student fails to complete an evaluation, as provided by these standards and procedures. Also, an interim withdrawal may be implemented immediately if the Vice President for Student Affairs or designee determines that a student may be suffering from a mental, psychological, emotional, or medical condition or disorder, and as a result, the student's behavior poses an imminent danger of:

- (i) causing serious physical harm to the student or others, or,
- (ii) causing significant property damage, or directly and substantially impeding the lawful activities of others.

(j) A student subject to an interim withdrawal shall be given written notice of the withdrawal either by personal delivery or by certified mail, and shall be given a copy of these standards and procedures. The student shall then be given an opportunity to appear personally before the Vice President for Student Affairs or a designee, upon request, immediately after the interim withdrawal, in order to review the following issues only:

- (i) the reliability of the information concerning the student's behavior;
- (ii) whether or not the student's behavior poses a danger of causing imminent, serious physical harm to the student or others, causing significant property damage, or directly and substantially impeding the lawful activities of others;
- (iii) Whether or not the student has completed an evaluation, in accordance with these standards and procedures.

(k) A student subject to interim withdrawal may be assisted in the appearance before the Vice President for Student Affairs by a family member, a licensed psychologist or psychiatrist, a health care professional, or a member of the campus community. The student may be accompanied by legal counsel, although the role of counsel will be limited to providing legal advice to the student.

(l) An informal hearing will be held within five business days after the student has been evaluated by the appropriate mental health care professional. The student will remain withdrawn on an interim basis pending completion of the informal hearing, but will be

allowed to enter upon the campus to attend the hearing, or for other necessary purposes, as authorized in writing by Vice President for Student Affairs or designee.

(m) Students subject to an involuntary withdrawal shall be accorded an informal hearing before the Vice President for Student Affairs, or a designee. The following guidelines will be applicable:

(i) Students will be informed of the time, date, and location of the informal hearing, in writing, either by personal delivery or certified mail, at least two business days in advance.

(ii) The entire case file, including an evaluation prepared pursuant to these standards and procedures, and the names of prospective hearing participants, will be available for inspection by the student in the Vice President for Student Affairs office during normal business hours. The file, which should be available at least two business days before the informal hearing, need not include the personal and confidential notes of any institutional official or participant in the evaluation process.

(iii) The informal hearing shall be conversational and non-adversarial. Formal rules of evidence will not apply. The Vice President for Student Affairs or designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.

(iv) The student may choose to be assisted by a family member and a licensed psychologist or psychiatrist, a health care professional, or by a member of the campus community. The student may be accompanied by legal counsel, although the role of counsel will be limited to providing legal advice to the student.

(v) Those assisting the student, except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.

(vi) The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.

(vii) The health care professional who prepared the evaluation pursuant to these standards and procedures may be expected to appear at the informal hearing, and to respond to relevant questions, upon request of any party, except for legal counsel.

(viii) The Vice President for Student Affairs or designee may permit university officials, to appear at the informal hearing and to present evidence in support of any withdrawal recommendation, if the Vice President or designee determines that such participation is essential to the resolution of the case.

(ix) The informal hearing shall be tape recorded by the Vice President for Student Affairs or designee. The tape(s) shall be kept with the pertinent case file for as long as the case file is maintained by the institution.

(x) A written decision shall be rendered by the Vice President for Student Affairs or designee within five business days after the completion of the informal hearing. The written decision, which will be mailed certified or personally delivered to the student, should contain a statement of reasons for any determination leading to involuntary withdrawal. The student should also be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement.

(xi) The decision of the Vice President for Student Affairs or designee shall be final and conclusive and not subject to appeal.

(n) Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

2. Drugs, Narcotics, and Alcohol

Possession / sale without prescription / medical authorization of any narcotic, barbiturate, or other illegal or controlled substance is contrary to federal and/or state law. Any student found to be in illegal possession of drugs must be reported to the appropriate civil authorities and may also be subject to disciplinary action by the University. Information regarding Alcohol may be found in the Drug Free Schools & Communities Act on page 21 of this document.

3. Loitering and Trespassing

- a. Under New York Penal Law, Section 240.35, subdivision 5, a person is guilty of loitering when he or she loiters or remains in or about a school, college or University building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any specific, legitimate reason for being there, and not having written permission from any person authorized to grant the same.
- b. Under New York Penal Law, section 140.05, a person is guilty of trespassing when he or she knowingly enters or remains unlawfully in or upon premises.
- c. Under New York Penal Law Section 140.10 a person is guilty of criminal trespass in the third degree when he or she knowingly enters or remains unlawfully in a building or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders.

4. Picketing and Demonstrations

In regard to on-campus student actions and demonstrations that tend to endanger life, public or private property or to violate local, State or Federal laws, each student will take the consequence of his or her own actions as an individual before the law, as well as being referred to the appropriate university disciplinary body.

All members of a University community must share the responsibility for maintaining a climate in which diverse views can be expressed freely and without harassment.

The University at Buffalo has traditionally supported the right of its students, faculty and staff to peaceful protest. Always implicitly is the understanding that demonstrators will not interfere with or violate the rights of others.

The following pertains to the conduct of those members of the University community who feel compelled to express their dissent through picketing and other forms of demonstration:

- a. Picketing and demonstrating must be orderly at all times and should in no way jeopardize public order or safety or interfere with the University's programs.
- b. Picketing or demonstrating must not interfere with entrances to buildings or the normal flow of pedestrian or vehicular traffic.

- c. Those involved in picketing or demonstrating may not interfere by mingling with organized meetings or other assemblies.
- d. Picketing or demonstrating may not obstruct or physically interfere with the integrity of the classroom, the privacy of the residence halls, or the functioning of the physical plant.
- e. Any person or group may contact the University Police Department (phone: 716-645-2227) and/or the Office of Student Life (phone: 716-645-2055) to inquire about space reservation on the property of the University at Buffalo.

5. Statement on Sexual Assault and Abuse

The University at Buffalo will not tolerate sexual assault or abuse.

Sexual Assault: any actual or attempted non-consensual sexual activity including, but not limited to, forcible anal or oral sex, attempted intercourse, sexual touching, by a person(s) known or unknown to the victim.

6. Rape

The perpetration of an act of sexual intercourse with a person against their will and consent, whether their will is overcome by force or fear resulting from the threat of force, or by drugs administered without consent, or when the person is unconscious or otherwise physically unable to communicate willingness.

Reporting Options: Incidents of sexual assault may be reported to University Police Department, municipal police, residence hall officials, or Student Health Center by a victim or proxy. Immediate reporting is recommended. A disciplinary complaint may also be filed with the Student-Wide Judiciary for action against the assailant if they are a student. This may be done in conjunction with or instead of criminal prosecution.

Another source of assistance, advice, or intervention is the staff of the Office of Equity, Diversity, and Affirmative Action Administration, 645-2266. You may speak confidentially to the Affirmative Action Officer or the Associate Director.

7. Sexual Harassment

It is the responsibility of every member of the University community to ensure that we maintain a harassment-free environment. No student, employee, or visitor shall participate in creating an environment that is sexually intimidating, abusive, hostile or offensive to others. No member of the University community of either sex shall impose a requirement of sexual cooperation as a condition of academic advancement or employment, or in any way contribute to or support unwelcome physical or verbal sexual behavior.

Sexual harassment of students and employees as defined below is contrary to University policy and is a violation of federal and state laws and regulations. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; (2) submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's

work or academic performance, or creating an intimidating, hostile, or offensive environment.

The University's office of Equity Diversity and Affirmative Action Administration (EDAAA) is the compliance office for matters involving illegal discrimination and harassment, and is designated by the President to investigate allegations of such conduct and recommend appropriate action. The University's Sexual Harassment Policy can be found on the EDAAA website at: http://affirmativeaction.buffalo.edu/sexual_harassment.htm. The policy applies to the University at Buffalo campuses, laboratories, clinics, and all auxiliary University locations.

The policy also prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation of a report of sexual harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to the education or employment of the complainant or witnesses.

It is the responsibility of each student and employee to become familiar with the policy and avail themselves of the University's Preventing Sexual Harassment on-line training program which is located at: <https://secure.newmedialearning.com/psh/ubuffalo/>. Any member of the University community who requires additional information, wishes to make a complaint, or receive a copy of the University procedures to be followed for complaints arising from matters related to the policies outlined above should contact the Office of Equity, Diversity, and Affirmative Action Administration at, 716-645-2266.

C. Facilities

1. Food and Beverages

The possession of beverages and food stuff is prohibited in all areas so designated by the posting of appropriate signs. These areas include, but are not limited to all classrooms, lecture halls, laboratories, hallways, the Katharine Cornell Theater and all University Libraries.

2. Individual Petitions

Every student has the right to petition or disseminate information on campus, except within the residence halls. (Note: the intent of this provision is to respect the privacy of the residents, and is not intended to deny the individual's right to petition.)

3. Posting Policies

General University bulletin boards are restricted to campus activities and/or University at Buffalo related functions. Any not-for-profit organization outside the University must have approval before posting. Commercial (for profit) promotional materials are not allowed and will be discarded, and subject to maintenance charges for removal.

Request for special consideration for exceptional situations and/or unique material can be directed to the Student Affairs office of Student Life, 150 Student Union from 8:30 a.m. to 5:00 p.m. weekdays. Posting policies for the Student Union appear at the web site: <http://www.student-affairs.buffalo.edu/student-unions/policy5.php>

Posting policies for the University Residence Halls & Apartments appears in the Guide to Residence Living, Appendix A, 2.00 web site:

<http://www.student-affairs.buffalo.edu/housing/resguide.pdf>

4. UB Breathe Free

The University at Buffalo is committed to providing a healthy, comfortable, and safe environment free from secondhand smoke for its students, faculty, staff, and visitors. Smoking is prohibited on all University-managed property, both indoors and outdoors, including but not limited to:

- a. All buildings on the North, South, and Downtown campuses, classrooms, lecture halls, residences, residence halls, laboratories (this does not include labs which have received a waiver from the Erie County Health Commissioner to conduct smoking research), offices, work areas, study areas, reception areas, meeting rooms, lobbies, hallways, stairwells, elevators, eating areas, lounges, restrooms, and off-site locations.
- b. Fields, open land areas, garages, athletic fields, tracks, bleachers/grandstands, outdoor paths and roads.
- c. All partially enclosed areas including but not limited to covered and uncovered walkways, breezeways, bus stop shelters, loading docks, building entrances, and exterior stairways and landings
- d. All vehicles owned and leased by the University at Buffalo
- e. Parking lots more than 100 feet away from campus buildings are not prohibited until August 1, 2010

Violations of this policy will be addressed through educational and corrective measures. Enforcement for employees remains consistent with the Smoke-Free Policy initiated in 1994: <http://www.student-affairs.buffalo.edu/public-safety/smokingp.pdf>; students will be referred to Wellness Education Services if they are interested in smoking cessation and/or counseling, and may be referred to the Office of Judicial Affairs as well.

5. Solicitation

Solicitation is defined as the offering of goods and services for sale either by advertising or direct sale that results in financial gain to the salesperson, individual(s), or organizations(s).

- a. Solicitation in the buildings, including residence halls, or on the grounds is strictly prohibited. No occupant is to use his or her room, or permit his or her room to be used, for any commercial purpose whatsoever. Any and all door to door solicitation is regarded as an unnecessary invasion on the privacy of the residents or occupants, and is therefore prohibited. This restriction applies to both commercial and non-commercial solicitation and to distribution of written materials as well as personal contact.
- b. "No authorization will be given to private commercial enterprises to operate on State University campuses or in facilities furnished by the University, or in any Residence Hall, other than to provide for food, legal beverages, campus bookstore, vending, linen supply, laundry, dry cleaning, banking, barber and

beautician services and cultural events. This resolution shall not be deemed to apply to Auxiliary Service Corporation activities approved by the University." (Board of Trustees Resolution)

6. Weapons and Explosives
 - a. It is a violation of New York State Law and/or University Regulations for a person to possess a rifle, shotgun, firearms, ammunition, firecrackers, or explosives in or upon the buildings or grounds of the University without appropriate written authorization from the appropriate University official. This includes roman candles or similar combustibles or explosives.
 - b. No person, either singly or in concert with others, shall possess and carry, on any grounds or in any building of the University, an air gun, BB gun, paintball gun or other instrument or weapon in which the propelling force is air or carbon dioxide, knife, club, slingshot, or other thing adaptable to the purpose of a weapon, including batons, canes or similar articles, excluding only orthopedic aids, athletic equipment, and project or construction materials and tools on proof of a proper specific use or purpose on the day in question.
 - c. No person hired for purposes of enforcing security, whether in lieu of or in addition to University Police officers, may have in his or her possession in or upon the buildings and grounds of the University any firearm or other deadly weapon without specific written authorization from the University official empowered to give such authorization

ARTICLE 5: DRUG FREE SCHOOLS & COMMUNITIES ACT

In conjunction with the Drug Free Schools and Communities Act Amendments of 1989, the University at Buffalo and the Student Health System are committed to clear and concise policies on substance abuse and a strong program of counseling, treatment, rehabilitation, and reentry. Students should be aware of the following information:

- A. Student rules and regulations prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol on campus properties or as part of its activities. All provisions of State Alcoholic Beverage Control Law and all rules of the State Liquor Authority apply on campus. No person under the age of twenty-one can possess any alcoholic beverage with the intent to consume. State and Federal drug and narcotic laws are also enforced on campus.
- B. Alcoholic beverages may be served on campus by groups and organizations provided the beverages are not sold and that such service is authorized by the campus Alcohol Review Board. For information, go to the following link: <http://www.student-affairs.buffalo.edu/judicial/alcohol.php>
- C. Alcohol and other substance abuse counseling, rehabilitation, and reentry programs are offered in the community. Free, confidential information and assessments are available at the Student Health Center in Michael Hall by calling the Student Health Access Line (829-2789) for an appointment. Referrals will be made to community treatment programs if indicated. The Student Counseling Center offers a number of programs and activities designed to assist students. In addition, chapters of Alcoholics Anonymous and Adult Children of Alcoholics meet regularly on campus. Employees are served by an Employee Assistance Program: <http://eap.buffalo.edu>

- D. Student conduct violations are considered by the Office of Judicial Affairs. Sanctions may range from warnings to expulsion for violation of university standards.
- E. Local, state, and federal laws for the unlawful possession or distribution of illicit drugs and alcohol are enforced on campus.

A complete copy of the Drug Free Schools and Communities Act statement is available for student review. Direct inquiries to: Office of Judicial Affairs & Student Advocacy, 252 Capen Hall, 645-6154.

ARTICLE 6: PARENTAL/GUARDIAN NOTIFICATION

The University at Buffalo may advise parents or guardians of students under the age of twenty-one years of certain alcohol and drug violations. In general, parental/guardian alcohol and drug violation notifications will be made by the University in an effort to provide support for the individual student's development, academic success, and physical well being. Alcohol/drug violation parental/guardian notifications may be made, as appropriate, by:

- A. Office of the Vice President of Student Affairs (or designee),
- B. Judicial Affairs, Director (or designee),
- C. Residence Halls and Apartments, Director (or designee), or
- D. University Health Service, Director (or designee).

The Vice President for Student Affairs (or designee) will coordinate notification process; approve parental notifications (in advance), maintain appropriate records, and arrange for necessary follow-up.

ARTICLE 7: STUDENT ORGANIZATIONS

A. Recognition and Registration of Student Organizations

Students interested in establishing an organization on campus should initially inquire about recognition through an appropriate student government. Application forms and the criteria for recognition are available at student government offices. Student organizations not affiliated with an appropriate student government may request registration through Student Life. Registration will be granted to organizations affiliated with the University and agreeing to abide by campus rules, regulations, standards, and policies. For general information about student organizations and the recognition/registration process, contact the Student Government Liaison in Student Life, 150 Student Union. For information on the recognition process for social fraternal organizations, contact the University Liaison for Greeks, 150 Student Union. Recognition and registration policies and procedures will be developed and implemented by Student Life.

B. Conditions for Registration of All Student Organizations

1. When functioning on campus, all registered student organizations will be held responsible by the University for abiding by federal, state, and local laws, as well as all University regulations. The University will not become involved in the off-campus conduct of registered student organizations except when such conduct is determined to have a substantially adverse effect on the University or upon individual members of the University community.

2. Any organization with restrictive membership clauses which discriminates on the basis of race, religion, sex (except as exempted by Federal Regulations), disability, age, creed, National Origin, or veteran status will not obtain or maintain University registration / recognition.
3. Only currently registered students shall be eligible for active membership status in student organizations. Students must be in good academic standing as defined in Article 1 of this document:
 - a. to serve in an appointed office
 - b. to be a candidate for elected office
 - c. to serve throughout one's elected or appointed termRecognized/registered student organizations and governments may establish additional requirements for office or membership so long as they are not unlawfully discriminatory.
4. The purpose or purposes of a student organization must not conflict with the educational functions or established policies of the University. It is incumbent upon any person presenting objections to the application for registration or continuance of an organization to demonstrate how and in what manner the registration or continuance of that organization would conflict with the educational functions or established policies of the University.
5. Student organizations will not be granted recognition or registration status if the recognition/registration unit determines that its proposed purposes or functions duplicate those of an existing student organization. Student organizations will not be permitted to retain recognition/registration status if they do not fulfill their stated purposes and/or functions or violate campus rules, regulations, standards, and policies.
6. Registered student organizations may not engage in hazing activities.
 - a. Hazing is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student or that willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any registered student organization. Hazing includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity that could adversely affect the physical health and safety of the individual, and shall include any activity that would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. Any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in a registered student organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding. Any registered student organization that commits hazing is subject to disciplinary action.

C. Relation of the University to Student Organizations

Registration of student organizations shall not be construed as agreement, support, or approval by the University, but only as recognition of the rights of the organization to exist at the University, subject to the conditions enumerated herein.

D. Rights of Student Organizations

1. Registered student organizations may use the name of the University in their official titles to indicate location, not endorsement.
2. Registered student organizations may use University facilities subject to the duly established written rules governing such use.
3. Registered student organizations may petition for the use of mandatory student activity fees subject to SUNY guidelines, University regulations, student organization regulations and student government manuals.

E. Banned Organizations

A group that is banned from campus is one that has committed a severe violation or has a history of repeated violations of law and University regulations so as the group's conduct is determined to have irreparable adverse effects on the University or members of the University community. Any affiliation, including rushing, pledging, or residing in housing controlled by a banned organization is prohibited.

ARTICLE 8: ADMINISTRATIVE REGULATIONS

A. Violation of Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code of Conduct. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
2. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

B. Family Educational Rights and Privacy Act (FERPA)

1. The State University of New York at Buffalo complies fully with the Family Educational Rights and Privacy Act of 1974 in its treatment of student educational records. This Act was intended to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction or deletion of inaccurate or misleading data through informal and formal hearings.

This institution's policy statement for FERPA explains in detail the procedures to be followed by the institution for compliance with the provisions of the Act. A copy of the policy is available in the Office Judicial Affairs, Room 252 Capen Hall. For further information about FERPA, please see

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

2. FERPA affords students certain rights with respect to their education records. They are:
- a. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate University official, a written request that identifies the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
 - b. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
 - c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Student name and email address may also be available to classmates in a specific class, as educationally required. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the University may disclose education records without consent to officials of another school in which a student seeks or intends to enroll. The University of Buffalo does not supply directory information in support of commercial activities.
 - d. The right to file a complaint with the U.S. Department of Education concerning alleged failures by State University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:
Family Policy Compliance office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

3. Directory Information - Unless otherwise notified in writing, the University has the students' permission to release the following directory information upon request: name, current address, telephone number, e-mail address, major field of study, dates of attendance, and degree and awards received. The University will also publish name, major field of study, and e-mail address on its internet-accessible directory. To reverse directory information release decision electronically, go to the following web site: <http://src.buffalo.edu/record/ferpa.shtml>

C. Freedom of Information Law

The University complies fully with the New York State "Freedom of Information Law" (Article VI, Public Officers Law, as amended effective January 1, 1978), which was enacted to assure public accountability of state agencies while protecting individuals against unwarranted invasions of personal privacy. Records are made available through the campus Records Access Officer. Persons seeking access to records maintained by the University are advised to contact:

Records Access Officer
James L Jarvis Jr.
Office of the Vice President for Human Resources
120 Crofts Hall
(716) 645-5000

To appeal a campus denial of access, persons may contact:

Ms. Stacey B. Hengsterman
System Administration
State University of New York
State University Plaza
Albany, NY 12246

D. Change of Address

Each student is required to keep the Student Response Center informed of his or her official permanent mailing address as well as their Buffalo-area address. Failure to adhere to this requirement is a violation of the Student Code of Conduct (Article 3, Part 1B) . In addition, when charges are brought against any student, the judicial bodies shall use the address listed in the Student Response Center for service of process. Service of process for disciplinary purposes shall be deemed complete when notice is mailed to a student at the address furnished to the Student Response Center. Changes of address can be made electronically at <http://src.buffalo.edu/record/address.shtml> .

E. Identification Card

The student identification card, "UB Card," will be issued to a student at the time of his or her first semester of enrollment. This is a permanent card that will serve the student as long as he or she is a registered student at the University.

The ID card serves as official identification as a University at Buffalo student and entitles the owner to a wide-range of services including library privileges, admission to home athletic events, and campus cultural events, participation in student-sponsored activities, voting in

student elections, access to University buildings for which the student is authorized access, and can also be used as your dining service and declining balance card, a campus cash card and as a vending machine debit card.

UB cards are non-transferable. Cards that are used illegally or inappropriately will be confiscated and turned over to the UB Card Office. Since UB cards also carry a variety of financial services, theft or misuse of a UB card can lead to both campus and civil charges. Students accused of lending UB cards and using another's UB card will be charged with a violation of the Student Code of Conduct. As the official identification of student status, the UB card should be carried at all times. Upon request by a University official, students are required to present their University UB card. In the case of loss of the UB card, a student should contact the UB Card office located in Suite 101 of the Commons (520 Lee Road, Amherst, NY) on the North Campus, and in Room 104 of Harriman Hall on the South Campus. There is a fee for the replacement of the card. A schedule of replacement charges can be found at the following web site: <http://www.myubcard.com>

F. Student Representative to the Council

Election rules and regulations, pursuant to State Education law, shall be provided to the Vice President for Student Affairs no later than February 1 of each year. These rules and regulations must be mutually agreed upon by the various student governments and will serve as the guide for electing the succeeding year's representative. Further information is available at: <http://www.student-affairs.buffalo.edu/activities/>

G. Absence Due to Religious Beliefs

No person shall be expelled from or refused admission to an institution of higher education for the reason that he or she is unable, due to religious beliefs, to attend classes or participate in any examination, study, or work requirements on a particular day or days. For further details, please refer to the following web site in the University at Buffalo Undergraduate Catalog: <http://undergrad-catalog.buffalo.edu/policies/course/religious.shtml>

H. Environmental Health and Safety

Health related aspects of the environment and matters of personal and general safety are the function of the Office of Environmental Health and Safety.

1. Assistance is offered and concern is exercised in the areas of radiation safety, laboratory biohazards, occupational health and safety, academic programs, extracurricular activities, housing, fire drills, food service sanitation, fire protection, eye safety, insect control, accident investigation, emergency practices training programs, public assemblies and student assemblies.
2. Environmental Health and Safety rules are not reposed in a single document, but consist of policies and procedures promulgated by the Environmental Health and Safety Committee, rules adopted by the University at Buffalo, laws of Federal, State, and Governmental sub-divisions, and standards published by professional and technical societies.
3. Information, advice, and assistance on matters of environmental health and safety is available on the Office of Environmental Health and Safety web site:

<http://www.facilities-buffalo.org/Home/Departments/ehs>

I. Use of University Names & Symbols

Recognized student organizations may use University names and symbols in connection with their programs and activities but the use must be in "good taste". Use of names and symbols on merchandise or products is prohibited, except by arrangement with the coordinator of Office of Trademarks and Licensing, 208B Crofts Hall, Phone: 716-645-3413; web site: <http://www.business.buffalo.edu/services/trademarks/index.html>

J. Building Hours

1. All University academic or research buildings shall be deemed closed at 11:30 p.m. unless otherwise posted. Faculty and staff who remain in these facilities after closing hours must show proper identification to University Police officers or area supervisors when requested. Students who remain in these facilities after closing hours must have written authorization from the appropriate university official and must provide it upon the request of a University Police officer or an area supervisor.
2. All other buildings, except residence halls, shall be deemed closed at 11:30 p.m. unless otherwise posted, or one-half hour after the completion of an authorized university event, the closing of a library, or the closing of a food service operation in that building.
3. Anyone remaining in any University facility after closing without proper authorization will be escorted out of the building and may be subject to arrest.
4. All residence halls are locked and only authorized University personnel, residents and their guests are permitted to enter.

K. Reservation of University Space and Grounds

Recognized student organizations, the academic departments, affiliated organizations, and the administrative units of the University at Buffalo may reserve grounds or non-departmental space for extracurricular activities.

Academic classes shall be scheduled first in University non-departmental space, and intercollegiate and intramural athletic events shall have priority use of athletic space and playing fields. Other nonacademic related activities will be scheduled on the basis of space availability.

Reservation forms are available from the Student Life Office. Space under jurisdiction of Residence Halls is reserved through the Residence Life Office.

L. UB Immunization Requirements

For more information on any vaccines, please call UB Student Health Services at (716) 829-3316 or go to: <http://www.cdc.gov/vaccines/pubs/vis/default.htm>

1. Measles/Mumps/Rubella Vaccinations
 - a. NYS Law requires every student born on or after January 1, 1957 to provide proof of Measles, Mumps, & Rubella immunization compliance.
2. Meningococcal Vaccination
 - a. NYS Law requires every student to provide documentation that they have either received the Meningococcal Vaccine within the past 10 years or that they have

received and reviewed educational materials on the vaccine and have chosen to not receive it.

- b. If the student does not provide documentation that she/he has met the above requirements (for both MMR and Meningococcal Vaccine) by the date posted on the Division of Student Affairs Calendar, a check-stop will be placed on the student's account. The student will not be allowed to register for future classes until satisfactory immunization documentation has been provided.

M. Health Insurance Requirements

The University at Buffalo requires all full-time students to maintain medical insurance. For more information on the health insurance requirements, see the Health Services website at <http://www.student-affairs.buffalo.edu/shs/student-health/insurance.shtml>.

N. Electronic Communications

All University at Buffalo students are expected to regularly access their UB e-mail accounts and MyUB (<http://myub.buffalo.edu>). As a condition of enrollment, all students are responsible for reviewing, understanding, and abiding by the University's regulations, procedures, requirements, and deadlines and any changes thereto. Important news bulletins and other details that affect an individual's status and day-to-day life at the University also will be communicated via MyUB and UB e-mail. Students are also expected to use their UB e-mail account to communicate electronically with all University offices, faculty and staff. Information about UB e-mail accounts is available at this web site: <http://www.cit.buffalo.edu/mail/>

O. Credit Card Policy

The University at Buffalo prohibits the on-campus advertising, marketing, or merchandising of credit cards to students.

P. Affirmation of the University at Buffalo's Rules and Regulations

The State University of New York requires that all University at Buffalo students affirm the University's Student Code of Conduct. Affirmation must be confirmed in order for class registration to occur.

Q. Photographs

Photographs of University events and members of the campus community are regularly taken and subsequently displayed depicting the vitality of U.B. If a student does *not* want their picture used in this manner, they may advise the photographer.

ARTICLE 9: PARKING AND TRAFFIC REGULATIONS

A copy of the complete State University of New York at Buffalo Traffic and Parking Regulations may be obtained from Parking and Transportation Services, 102 Spaulding Quad, North Campus, or Harriman Hall, South Campus.

All faculty, staff and students will be issued a Vehicle Registration Permit upon the completion of vehicle registration and the payment of the required fee(s). The Vehicle Registration Permit must be affixed from the rearview mirror.

Parking is prohibited at all times on the roadways (except as posted), sidewalks, lawns, grounds, lanes, and throughways of parking areas. The University may have illegally parked vehicles towed away at the owner's expense. All unpaid parking tickets, towing charges, and storage costs will be the responsibility of the owner and must be paid before the vehicle is released.

For additional information on vehicle registration, permits, permanent or temporary handicapped parking permits, parking policies, parking fines, parking penalties, and liabilities, please visit the following web site: <http://www.student-affairs.buffalo.edu/parking/index.php>

ARTICLE 10: STUDENT ACADEMIC RECORDS & FINANCIAL SERVICES

For information about residency requirements, tuition and fees, and your university account, see the Student Response Center web site at <http://src.buffalo.edu/studentaccount>

For information about the university comprehensive fees, see the following web site: <http://src.buffalo.edu/studentaccount/compfee.shtml> .

ARTICLE 11: COMPLIANCE STATEMENTS

A. Sexual Assault Compliance Statement

Prepared in compliance with the federal Student Right to Know and Campus Security Act (Title II - Crime and Awareness and Campus Security, Section 668.47 (a) 12) and State Education Law (Section 6450 (1) a).

1. Prevention and Awareness

As part of a continuing University at Buffalo effort to promote the personal safety of the academic community, the following information has been prepared for campus consideration. The information will be updated annually and is available to all current students and employees, as well as incoming students. It is made available to prospective students and employees on request.

Awareness and prevention programming is a key feature of new student orientation programs. Workshops on prevention and reporting are conducted by the University Police Department, New Student Programs, and student organizations such as the *Sub Board I Players*. The University Police Department provides a variety of programs and publications on **sexual assault, domestic violence, and stalking** available throughout the year. In addition, it sponsors a Personal Safety Task Force which produces an annual campus security report and recommends safety improvements throughout the campuses. Within residence halls, an emphasis has been placed on staff training, including appropriate materials in manuals, programs, workshops, and publications for the residents. Other prevention programs include annual safety fairs and a 5K awareness run.

2. Reporting

Victims, or any person considering reporting sexual assaults, are advised to:

- a. **Report the assault.** Call University Police at 716-645-2222 or, if the assault occurs off campus, the Police at 911. Female officers are available upon request. The University at Buffalo strongly encourages assault reporting, but reporting does not mean that you must prosecute. Call the University Police Safety Sexual Assault Information Line for information (645-3411).
- b. **Contact a close friend or relative for support.**
- c. **Seek medical attention immediately.** Whether or not you report the assault, you should have a medical examination immediately. The exam is confidential. Medical personnel will test for sexually transmitted diseases, look for physical injuries, and collect physical evidence. If you report the assault, University Police or the police can provide transportation to the hospital and arrange for a Crisis Services sexual assault advocate to meet you there. You may also go to the Student Health Center or call Crisis Services directly. If you choose to go to the hospital without notifying UPD or the local police, the hospital can still collect physical evidence, while protecting your anonymity, in case you later decide to prosecute.
- d. You may file an anonymous proxy report of the details of the assault with the Counseling Center, or Student Health Center or other campus units, including the student operated Anti-Rape Task Force/Sexuality Education Center. While no police action can be taken against the assailant, the report may help identify a multiple assailant or other patterns.
- e. You may also file a complaint with the SWJ for disciplinary action against the assailant, if the assailant in an on-campus incident is a student. This can be done in conjunction with criminal prosecution, or instead of it.

3. Rights of persons reporting an assault

- a. To have all incident and medical records kept confidential,
- b. To be treated without prejudice regarding race, academic class, lifestyle, sex, sexual orientation, age, occupation, religious beliefs, or physical disabilities,
- c. To be made aware of and receive medical treatment, psychological support, and legal counseling,
- d. To prosecute or not to prosecute, and
- e. To answer only those questions relevant to the crime.

University Police and local public prosecutors work together closely to explore all options and to obtain convictions in sexual assault cases. UB personnel will assist students in notifying authorities and arranging for a sexual assault advocate, if requested by victim.

4. Victim Support Services

Sexual assault is a traumatic experience and it is recommended that victims seek counseling. Counseling services are available through the Counseling Center at 645-2720, the student-sponsored Sexuality Education Center at 829-2584, and Crisis Services at 834-3131.

The University and volunteer student organizations maintain a network of counseling and support services for the victims of sexual assault. These campus

programs are supplemented by other services available in the Western New York area.

On campus, the University Police Department provides trained response to sexual assault calls. Medical treatment is provided through local hospitals and the Student Health Center. Other victim support is available through the Counseling Center, the Sexuality Education Center, and the Anti-Rape Task Force. In the residence halls, professional and student staff is trained to provide immediate support services to victims while seeking professional resources from other campus agencies. Several off-campus agencies are also available to provide victim support services.

5. Victim Accommodation

The University at Buffalo is committed to accommodating requested changes in student academic and living situations after alleged sex offenses when the changes are appropriate and reasonably available.

Victim requests for accommodations can be directed to University Police, residence hall and apartment officials, the Student Health Center, Judicial Affairs, or other appropriate offices, including the Dean of Students.

6. Laws and Conduct

The University at Buffalo will not tolerate sexual assault, abuse, or harassment. All federal, state, and municipal laws apply on campus and are considered part of the University at Buffalo Student Code of Conduct Rules. This includes the New York State Penal Law, which details the criminal statutes dealing with sex offenses. According to New York State statutes, there are varying degrees of sexual assault. **Sexual Assault of any kind is a crime.** In compliance with the Student Code of Conduct, any student who is found to have committed physical violence or abuse (including acquaintance rape, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person) is subject to disciplinary action.

Sexual assault is any actual or attempted non-consensual sexual activity including, but not limited to, forcible anal or oral sex, attempted intercourse, or sexual touching, by a person(s) known or unknown to the victim.

7. Campus Disciplinary Action

The University's standard disciplinary procedures as described in this document will be carried out. Both parties have the right to be informed immediately of the outcome of the hearing.

8. Information on Security Procedures

The campus community is advised and updated on safety and security through a variety of methods. These include publication of the Annual Security report, which focuses on crime awareness and personal safety. The report is printed annually in campus newspapers.

In addition, the University Police Department widely distributes other publications on security issues, including Safety Awareness, Preventing Acquaintance Rape, and Public Safety. Notification is also made to the campus community, as

appropriate, on specific threats to campus safety through campus media, publications, posters, and other methods.

B. Bias Crimes Prevention Compliance Statement

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

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability.

Perpetrators who are students will be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, the University Police 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 University at Buffalo 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 the University Police as well as to the Office of Equity, Diversity, and Affirmative Action.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by calling 716-645-2222 in an emergency, using a Blue Light telephone, or stopping by Bissell Hall. University Police will investigate and follow the appropriate adjudication procedures. For all other bias-related incidents, call the Office of the Vice President for Student Affairs at 716-645-2982. The Vice President for Student Affairs (or designee) will contact appropriate offices and departments for responses and follow-up, including but not limited to the Intercultural Diversity Center, Judicial Affairs, Campus Ministries, University Counseling Center, and more.

For general information on University at Buffalo security procedures, see <http://www.public-safety.buffalo.edu>. More information about bias-related and bias crimes, including up-to-date statistics on bias crimes is available from the University Police at (716) 645-2222.

C. Violent Felony Offenses/Missing Student Compliance Statement

The University at Buffalo Police department has a plan for the investigation of any violent felony offense occurring at or on the grounds of the University at Buffalo Campuses. In addition they have a plan for the investigation of a report of a missing student. The investigation of such crimes shall be done in coordination with local law enforcement agencies. The University at Buffalo has written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports. For more information relating to violent felony offenses or missing students please contact the University Police Department at 716-645-2222.

D. Advisory Committee on Campus Security Compliance Statement

The University at Buffalo has instituted a Personal Safety Committee that has student, faculty and staff membership. All meetings are open to the University Community. This committee reviews campus security policies and procedures and issues of related to personal safety and makes recommendations for their improvement. For more information on the Personal Safety Committee please contact the University Police Department at 716-645-2222 or visit their website at <http://www.student-affairs.buffalo.edu/public-safety/>.

E. Crime Statistics Availability Statement (Clery Statement)

A copy of the State University of New York at Buffalo campus crime statistics as reported annually to the U.S. Department of Education will be provided upon request by the campus Personal Safety Committee. Please direct all such requests to the University Police at (716) 645-2222 or view campus crime statistics on their website at <http://www.public-safety.buffalo.edu/stats.shtml#crime> Information can also be obtained from the U.S. Department of Education website at: <http://ope.ed.gov/security/>

ARTICLE 12: APPROVAL

These Student Code of Conduct has been approved by the Council of the University at Buffalo, State University of New York and can be made available for the visually impaired in the Office of Disability Services, 25 Capen Hall, North Campus. The Student Code of Conduct shall remain in effect until superseded by legislation or amended by the Council of the University at Buffalo, State University of New York.

Questions, comments and suggestions related to Student Conduct Rules, University Standards and Administrative Regulations should be directed to:

The Office of Judicial Affairs & Student Advocacy
252 Capen Hall
Phone: 716-645-6154
Fax: 716-645-3376
E-mail: ub-judicial@buffalo.edu

Updated August 2009