

## 14.0 Children on Campus - Safety Policy

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*(See Policies & Procedures Manual)*

ORIGINAL: Direct supervision by a parent or parent designee (another adult) shall be provided for all children for the duration of their campus visit. Anyone who does not provide appropriate supervision may lose the privilege of allowing his or her child/children on campus. Employees and students are discouraged from bringing children on campus during his/her working/class hours. The College assumes no responsibility for the safety of unsupervised children.

PROPOSED: A child should not be left unattended while the parent or guardian is attending class or conducting any other business or social function on campus. Direct supervision (line of sight) shall be provided by the parent or guardian at all times. Should a child become disruptive, the student and child may be asked to leave. Anyone who does not provide appropriate supervision may lose the privilege of allowing his or her child/children on campus. Employees and students are discouraged from bringing children on campus during his/her working/class hours. The College assumes no responsibility for the safety of unsupervised children. Parents who have problems with childcare should visit the Counseling Center to receive referrals to childcare services in the area.

## 15.0 Code of Student Conduct, Rights & Responsibilities

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ORIGINAL: It is hereby resolved that, pursuant to Section 356 of the Education Law of the State of New York (*Regulations and Procedures for Maintaining Public Order on Campuses of the State of New York*), the Council of the State University College of Technology at Canton adopts the following Code of Student Conduct, Rights and Responsibilities. A copy of the "Maintenance of Public Order" is on file in Vice President for Student Affairs Office and the front desk of Southworth Library. Every student at The State University College of Technology at Canton is assumed to be a mature individual with the ability to accept academic and social responsibility. It is necessary that all students accept this responsibility and conduct themselves accordingly.

PROPOSED: It is hereby resolved that, pursuant to **Part 535** of the Education Law of the State of New York (*Regulations and Procedures for Maintaining Public Order on Campuses of the State of New York*), the Council of the State University College of Technology at Canton adopts the following Code of Student Conduct, Rights and Responsibilities. A copy of the "Maintenance of Public Order" is on **file for review at the Southworth Library circulations desk and at the Office of the Dean of Students**. Every student at the State University College of Technology at Canton is assumed to be a mature individual with the ability to accept academic and social responsibility. Individuals are expected to be responsible for their academic progress and their actions and to be familiar with the rules of conduct that govern their behavior at the College. The Student Code of Conduct and Student Handbook can be found on the College's computer network. Any questions regarding such policies should be directed to the Dean of Students.

### 15.1 Article I: Definitions

ORIGINAL: **College** The State University College of Technology at Canton, New York.

PROPOSED: **College** The State University College of Technology at Canton, New York or any official representing the College



ORIGINAL: **Dean of Students:** An administrative officer of the College responsible for the functional areas of Student Affairs

PROPOSED: **Dean of Students:** An administrative officer of the College who is responsible for student discipline and issues related to the Student Code of Conduct. The Dean of Student serves as the adjudicating judicial officer.

ORIGINAL: **Entry:** To enter or gain access to a student room.

PROPOSED: **Entry:** To enter or gain access to a student room, building, grounds, or space rented/leased by the College.

## 15.4 Article IV: Prohibited Conduct

ADDITION TO SECTION ON COMPUTER ABUSE: Use of computing facilities, or computing equipment owned and maintained by the College, to engage in illegal downloading, unauthorized peer-to-peer file sharing, or unauthorized distribution of copyrighted materials.

ADDITION: CREDIT CARD MARKETING -SUNY Canton prohibits the advertising, marketing, or merchandising of credit cards on campus to students, unless expressly authorized and registered by the Vice-President for Administrative Services. Registrants will be limited to specified dates and areas and are prohibited from offering gifts to a student in exchange for completing a credit card application

ADDITION: DOMESTIC VIOLENCE - Domestic violence is defined as a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, family member, or household member as defined in the Family Court Act, with the goal of establishing and maintaining power and control over the victim.

ORIGINAL: 43. SUBSTANCES - Use, possession or distribution of narcotic or other controlled substances and/or related paraphernalia except as expressly permitted by law.

PROPOSED: SUBSTANCES - Use, possession or distribution of illegal/dangerous drugs as defined in the New York State Penal Law including marijuana, hallucinatory, narcotic or other controlled substances and/or related paraphernalia except as expressly permitted by law. This also includes the illegal use or sale of prescription drugs.

ORIGINAL: 47. WEAPONS - Illegal or unauthorized possession of firearms (including "BB" guns), explosives, other weapons (including knives), or dangerous chemicals on College premises.

PROPOSED: WEAPONS -The possession of any explosive device, dangerous chemical, firearm or weapon, including air guns, BB guns, soft air guns, paintball guns, and archery equipment or any weapon in which the propelling force is spring, piston, or CO2 cartridge, or any deadly weapon as defined in the New York State Penal Law or any knife, object that can be construed as a dangerous instrument.



## 15.5 Article V: Sanctions

ORIGINAL: The following sanctions may be imposed upon students or organizations.

PROPOSED: Disciplinary sanctions may be imposed on students or organizations that violate the Code of Student Conduct. Any of the sanctions listed below may be imposed with specific terms and conditions as determined by the College.

ADDITION: Denial of Service: Request to leave a campus office/service for a specified period of time.

ORIGINAL: 6. Interim Suspension: While normally no action will be taken against a student/ organization until charges have been heard in accordance with the hearing process established under the Code, a student/organization may be suspended pending a hearing on the charges whenever, in the judgment of the President or the President's designee, the continued presence of the student/organization would constitute a clear danger to the student or to the safety of persons or property on College premises, or would pose an immediate threat of disruptive interference with the normal conduct of College activities.

PROPOSED: Interim Suspension: While normally no action will be taken against a student/ organization until charges have been heard in accordance with the hearing process established under the Code, a student/organization may be suspended pending a hearing on the charges whenever, in the judgment of the President or the President's designee, the continued presence of the student/organization would constitute a clear danger to the student or to the safety of persons or property on College premises, or would pose an immediate threat of disruptive interference with the normal conduct of College activities.

During the interim suspension, the student may be denied access to the residence halls and/or to College premises (including classes) and/or all other College activities, privileges, or services for which the student might otherwise be eligible, or as the Dean of Students determines to be appropriate. If suspended in this manner, the student is entitled to an interview with the Dean of Students or his or her designee, in order to outline the process through which the student's actions will be adjudicated through the student judicial process.

ORIGINAL: 13. Suspension from Residence Hall: Loss of the privilege of living in College residence halls. The imposition of this sanction may include exclusion of the offender from all residence hall facilities and activities for the same period as the revocation of license. NOTE: Failure to satisfactorily complete a disciplinary sanction within the prescribed time frame may result in suspension from college for a minimum of one semester. The suspension would be recorded on the academic transcript.

PROPOSED: Suspension from Residence Hall: Loss of the privilege of living in College residence halls. The imposition of this sanction may include exclusion of the offender from all residence hall facilities and activities for the same period as the revocation of license. NOTE: Failure to satisfactorily complete a disciplinary sanction within the prescribed time frame may result in suspension from college for a minimum of one semester. The suspension would be recorded on the academic transcript

*Notification of Parents:* The College is committed to a goal of student maturity and self-direction. The College also recognizes that some students have developed these qualities to a greater extent than others. In some cases, where a student has shown a pattern of irresponsible behavior and has not responded to College assistance or resources, parents/guardians may be notified. When a student is suspended, parents/guardians may be contacted. All parental notification shall comply with the provisions of the Family Educational Rights and Privacy Act. Students are urged to discuss all conduct violations with their parents or guardians.



## 15.6 Article VI: Adjudication through Summary Action or Administrative Action

### ORIGINAL:

Every student has the right to appear before a judicial hearing board if they choose to exercise it. Students may also elect to be adjudicated through summary action. In this case the accused party and the adjudicating judicial officer can come to agreement on the violation of the Code of Student Conduct and an appropriate disciplinary sanction. The agreed-upon disciplinary action is written up and both parties sign agreeing to the resolution. In so doing, the offender is relinquishing all rights to appeal once the summary action form is signed. Another means of resolution is through an Administrative Adjudication. This allows the Dean of Students, after reviewing an incident, to impose a disciplinary sanction upon a student or group of students with neither their agreement nor a judicial hearing. The student's right of appeal remains intact and may be exercised within the same timeline and manner as outlined for other appeals of judicial action.

PROPOSED: Every student has the right to appear before a judicial hearing committee if they choose to exercise it. Students may also elect to be adjudicated through summary action. In this case the accused party and the adjudicating judicial officer can come to agreement on the violation of the Code of Student Conduct and an appropriate disciplinary sanction. The agreed-upon disciplinary action is written up and both parties sign agreeing to the resolution. In so doing, the offender is relinquishing all rights to appeal once the summary action form is signed.

**NOTE RE: FOLLOWING PROPOSED CHANGES:** Original narratives for 15. 7-9 Articles can be found on pages 23-25 of the Student Handbook at [http://www.canton.edu/student\\_affairs/pdf/handbook.pdf](http://www.canton.edu/student_affairs/pdf/handbook.pdf) The originals were modified based on Legal Counsel's recommendations to improve the clarity of our language and update our processes with best practices.

## 15.7 Article VII: Disciplinary Hearing Committees/Boards

### I. Student Faculty Hearing Committee

The Student Faculty Hearing Committee will hear disciplinary cases and/or cases involving violations of the Code of Conduct. The Committee has the following responsibilities: hears all evidence related to the case in question; seeks answers to all questions pertaining to statements and evidence presented; reaches a finding regarding responsibility for charges against the student after full discussion of the case in closed session and presents the finding to the Dean of Students within 24-hours after the hearing concludes, or the next business day if the hearing concludes on a Friday.

The Student Faculty Hearing Committee has the authority to impose all the sanctions listed in Article V. The Student Faculty Hearing Board also acts as a hearing body of first jurisdiction at the request of the President or the President's designee in cases where the safety of persons or property of the College community is believed to have been threatened. In appeal cases heard by the Student Faculty Hearing Committee their decision is final except when suspension or dismissal from college is recommended. Only suspension or dismissal (Article V, Sec. 4 & 11) is subject to review by the President or the President's designee

The Student Faculty Hearing Committee is comprised of:

- A. Students - six student members provided by SGA. They are appointed for a one-year term; one will be assigned or selected by the chairperson for each hearing as available. Students must be full-time matriculated students, must have cumulative honor point indexes of not less than 2.00, except for first semester freshmen, and must not have incurred a penalty for campus misconduct other than admonition, or have been convicted of an offense other than a traffic violation while members



of the student body.

B. Faculty - **six members of the faculty, two from each school, provided by the Faculty Assembly.** The terms of appointment should be staggered. Each will serve a two-year term; one will be assigned or selected by the chairperson for each hearing as available. The faculty members must be employees who must have worked at the College for at least one year and have not been convicted of an offense other than a traffic violation while members of the faculty

C. Administration - two members of the non-teaching professional staff, one of which is assigned to each hearing as available and will serve as the chair of the Board for that hearing. They are selected by the College President for three-year terms and the terms should be staggered. The professionals must be employees who have worked at the College for at least one year and may not have been convicted of an offense other than a traffic violation while members of the professional staff.

#### **Responsibilities of the Chair of the Student Faculty Hearing Committee**

- i. **Selects hearing committee members from the pool**
- ii. **Mutually sets the hearing date and time with the Dean of students**

The Student Faculty Hearing Committee, by two-thirds vote of all members, may remove any student or faculty member from office for just cause, in accordance with committee due process. If a representative is removed from office, the vacancy shall be filled in the same manner as the original office holder. The Student Faculty Hearing Committee has the following powers and duties:

#### **2. Residence Hall Judicial Committee**

There shall be a standing central Residence Hall Judicial Committee (RHJC) composed of five students, one from each of the residence halls who are nominated by the hall staff and one Resident Assistant nominated by the Resident Assistants who will serve as Chair of the Committee. The Director of Residence Life or his or her designee will serve as the advisor to this Committee. The RHJC will provide resident students with an opportunity to present cases before their peers, thus giving residents a greater degree of autonomy and "hands-on" judicial experience in communal living. When dealing with a disciplinary matter, students are afforded the right to appear before a Judicial Hearing Committee (of the Judicial Officer's discretion) or the opportunity to accept summary action wherein they waive their right to appear before a Judicial Hearing Committee. The Judicial Officer can also elect to present a case to the Judicial Committee even if it is against the wishes of the student being charged. In accordance with the Code of Student Conduct, appeals of the RHJC's decision(s) will be heard by the Dean of Students or his/her designee, except when suspension or dismissal from college are involved, in which case those are reviewed by the college President or his/her designee. The RHJC has the authority to impose all official sanctions listed in Article V except dismissal or suspension from the College.

#### **3. The Campus Parking Violations Appeals Board**

The Chief Administrative Officer (President) shall designate a hearing officer or board not to exceed six persons to hear complaints for violation of campus traffic and parking regulations enforceable on campus. Such hearing officer or Committee shall not be bound by the rules of evidence but may hear or receive any testimony or evidence directly relevant and material to the issues presented. The Board will be comprised of a panel of six persons as follows:

- i. Two students
- ii. Two faculty
- iii. Two classified staff
- iv. Any three persons, one from each constituency, shall constitute a quorum to hear appeals.

### **15.8 Article VIII: Responsibilities of Administrative Officers**

1. The President/acting President shall review all recommendations of the Student Faculty Hearing Committee involving suspension or dismissal from the College (Article V, Sec. 4 & 11). Before reaching a decision, the President/ acting President may consult with the appropriate person(s) or



parties. The President or his/her designee may summarily suspend a student/organization pending a hearing if the student/ organization (Article V, Sec. 6) is believed to constitute a clear and present danger to the safety of persons or property of the academic community. The President or his/her designee shall allow the accused student/organization an immediate explanation in writing with respect to such suspension.

2. The Dean of Students or the Dean's designee has the following responsibilities:

- A. Review and determine if sufficient evidence exists to charge the accused;
- B. Notify the accused in writing of the nature of the charge(s). Notification will also include the nature of the hearing committee date, time, and location of the hearing, a statement of the student's rights, and information on the hearing procedures. The notice may be hand delivered; placed into a student's residence hall mailbox; sent by email to the accused student's official College email address, or mailed to the last known address of the student, either by certified mail or first class mail.
- C. Works with the Chair of the Student Faculty Hearing Committee to set the hearing date and time and composition of committee.
- D. Coordinate the follow-up to ensure that the sanction is carried out.

## 15.9 Article IX: Procedures for Judicial Hearings

### For all Campus Judicial Committees and Board:

1. Charges of alleged misconduct (under Article IV) may be brought against any student or organization.
2. Before a student's/organization's case is presented before a campus Judicial Committee/Board (except when the Maintenance of Public Order Committee has jurisdiction), the procedures below must be followed: A student/organization must be:
  - A. Given written notice of the charges and all written statements expected to be used during the hearing;
  - B. Notified of the right to obtain an advisor and the right to refuse to answer questions;
  - C. Notified of the time and place of the hearing and given at least four calendar days from the time the student receives the packet containing all the statements expected to be used during the hearing to prepare a defense. The student/organization may waive, in writing, the right to a four-calendar day waiting period.
3. The College recommends that all students and organizations adhere to the following procedures:
  - A. Take four calendar days to prepare their defense; and
  - B. As an option, bring one advisor with them to the hearing. An advisor may be any individual that the student designates, such as a parent/legal guardian, or member of the faculty, staff, or student body. Advisors may not actively participate in the hearing or they will be asked to leave.

Note: Attendance at hearings is limited to those directly involved or those requested by the hearing officer or committee to attend. The hearing officer or committee will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.
4. A student/organization who fails to appear before the judicial Committee as requested forfeits the opportunity to present their case to the Committee. The hearing will be conducted as scheduled and the judicial Committee will act on information, material, and testimony presented to the Committee.
5. A hearing body shall not be bound by the strict, technical rules of judicial evidence, but may hear or receive any testimony or evidence which is relevant to the charges and will contribute to the rendering of an impartial and fair judgment by the hearing Committee

The accused may submit a written statement, may invite relevant witnesses to attend, and may ask questions of witnesses called by others. The College may present witnesses as well as question those presented by the accused.



6. At the conclusion of the review, the Student Faculty Hearing Committee shall determine (by simple majority vote) whether the student has violated each section of the Student Code of Conduct, which the student is charged with violating.
7. The Dean of Students shall keep record of the substance of the hearing. Such records remain the property of the College. Only college judicial affairs staff may record judicial meetings or proceedings. No other recordings are permitted. Such records often contain personally identifiable and sensitive information about participants. The Dean of Students may report the findings to the College community without revealing personally identifiable information.
8. Adjournments: The chairperson shall have the authority to adjourn or postpone hearings if, in his/her opinion, extenuating circumstances are justifiably raised by the accused student(s), the Dean of Students or designee or individual judicial Committee members. Requests for such adjournments must be made in writing with justification at least 24 hours before the scheduled hearing. The Judicial Hearing Committee may adjourn the hearing, imposing temporary sanctions, and schedule sanctioning for a later date.
9. Appeals: A request for an appeal may only be submitted when the student believes:
  - a. A procedural error occurred during the process, which had a direct impact on the finding.
  - b. That new information has come to light, which has a direct impact on the finding.
  - c. The finding or sanction imposed is unfair or inappropriate.
  - i. Appeals of a decision of the campus judicial process shall be directed in writing by the respondent to the President or designee (VP of Student Affairs) within four class days of the respondent's receipt of the written decision.
  - ii. Appeals of the decisions of the RHJC shall be directed in writing by the respondent to the Dean of Students within four class days of the respondent's receipt of the written decision.
  - iii. Appeals are final within the campus judicial system.
11. In extenuating circumstances, or when the College is in recess, the Dean of Students or designee has the authority to convene an emergency Student Faculty Hearing Committee; similarly, the Director of Residence Life or designee has the authority to convene a temporary Residence Hall Judicial Committee.

### **15.91 SUNY Board of Trustees - Rules for the Maintenance of Public Order**

ORIGINAL: Part 535 of TITLE 8, Official Compilation of Codes, Rules and Regulations of the State of New York - Copies of this portion of the Official Compilation are available for review at the Southworth Library circulations desk and at the Office of the Dean of Students.

PROPOSED: The rules for the Maintenance of Public Order provide overall rules which are clarified and defined in the College's Student Code of Conduct and workplace/visitor rules. These rules are implemented in compliance with section 6430 of the Education Law and comprise Part 535 of Title 8 of NYCRR. Copies of this portion of the Official Compilation are available for review at the Southworth Library circulations desk and at the Office of the Dean of Students.

