


DATE: April 10<sup>th</sup>, 2017

TO: Binghamton University Council

FROM: Brian Rose, Vice President, Student Affairs 

RE: **Proposed Changes to the 2017-18 Code of Student Conduct**

Enclosed for your review are the proposed changes to the Code of Student Conduct. The document labeled “Markup” contains all of the specific edits being recommended. You will find outlined below the campus consultation process employed to develop the proposed revisions to the Code of Student Conduct now presented for your review and approval. I have organized the proposed changes into bundles or categories as follows: [definition changes](#) to continue to maintain compliance with SUNY and the *Violence Against Women Act (VAWA)*, [process changes](#) to align our records retention policies with SUNY and other guidelines, and [technical changes](#) including clarifying language for specific terms.

I will be happy to answer any questions or concerns you have regarding the process, proposed revisions, and rationale for same. Thank you for your attention to this matter.

Campus Consultation:

The Office of Student Conduct sent messages to the University community through email, Dateline and B-Line in the fall 2016 semester soliciting input for updates and changes to the 2016-17 Code of Student Conduct. The Director and Assistant Director of Student Conduct hosted two widely publicized open forums to encourage broad and open participation in the review process which received attention from the Pipe Dream, [www.bupipedream.com/news/77485/conduct-update/](http://www.bupipedream.com/news/77485/conduct-update/). To further encourage and facilitate campus community input, a Code of Student Conduct comment form was hosted on the Student Conduct website. The Director of Student Conduct met with and made personal appeals to members of the Student Association Executive Board to encourage their active participation in the code review process.

**Proposed Definition Changes Representing New or Changed Definitions of Terms**

**Page numbers below correspond to mark-up copy enclosed**

- A. Page 4 item 22, **Sexual Act** – added wording to include required language pursuant to SUNY guidance. Additional word added to Page 11 c) and Page 15 B) 3. to be consistent.
- B. Page 5, item 30, **Retaliation** – added a definition for a term already used in the Code, from SUNY guidance document, December 2014.

- C. Page 5, item 31, **Preponderance** - added a definition for a term already used in the Code, from SUNY guidance document, December 2014.
- D. Page 15 B) 4. Clarity on sanction for sexual assault consistent with SUNY guidance

#### Proposed Process Changes

- E. Page 17, item 1 Appeals – wording changed to ‘calendar’ to be consistent with how the Office of Civil Rights (OCR) measures “days.”
- F. Page 18, item 11 Appeals – wording changed to ‘calendar’ to be consistent with how OCR measures “days.” Added 5 response days to accurately reflect the time needed for appellant officers to review and render appeal decisions.
- G. Page 18, item 2) Interim Action – deleted language consistent with SUNY guidance regarding not taking action against a student solely based on being a danger to oneself.
- H. Page 19, item 1 Student Records – modified language to be consistent with NYS records retention laws.
- I. Page 19, item 2 Student Records - modified language to be consistent with NYS records retention laws.
- J. Page 19, item 3 Student Records - modified language to be consistent with NYS records retention laws.
- K. Page 20, item 3 d) Student Records - modified language to be consistent with NYS records retention laws.
- L. Page 20, item 4 Student Records - modified language to be consistent with NYS records retention laws.
- M. Page 20, item 7 Student Records - modified language to be consistent with NYS records retention laws.

#### Proposed Technical Changes

- N. Page 2 item 16, Stalking – revised wording to make the definition consistent with *The Violence Against Women Act (VAWA)* final consensus language.

- O. Page 3 item 18, Affirmative Consent – revised wording to make the definition consistent with *The Violence Against Women Act (VAWA)* final consensus language.
- P. Page 4 item 25, Dating Violence – revised wording to make the definition consistent with *The Violence Against Women Act (VAWA)* final consensus language.
- Q. Page 4 item 26, Domestic Violence - revised wording to make the definition consistent with *The Violence Against Women Act (VAWA)* final consensus language.
- R. Page 10 item 2. a) v. – revised wording to better represent the order of events and to clarify that the records reviewed are in the case file.
- S. Page 10 item 2. b) iii. – revised wording to make the bulleted list and formatting consistent with their source, the SUNY Redline document from June 2015.
- T. Page 10 item 2.b) iv. – revised wording to better represent the order in which actions occur.
- U. Page 13, 4. Timelines – revised wording to mitigate against an extreme interpretation of “every effort” and to help keep participants informed.
- V. Page 13, item 7 b) – relocated language to the beginning of the section.
- W. Page 14, item 7 d) – broadened wording to include all students at the hearing.
- X. Page 14, item 7 h) – revised consistent with OCR language.
- Y. Page 15, item p) – broadened language to include all students charged or responding.
- Z. Page 16, item g) Final Probation – added wording to clarify that expulsion is also a possible sanction.

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