

**RULES OF STUDENT CONDUCT
REVIEW FOR 2012-2013 EDITION**

Section II: Definitions

2011-2012 Rules of Student Conduct, Page #4

Submitted by: Paul Stroud, Associate Director, Office of Student Conduct

Deletions are noted with a line through the text. Additions are boldly printed and underlined.

12. **The term stalking means intentionally and for no legitimate purpose engaging in a course of conduct directed at a specific person and which one knows or should reasonably know is likely to distress, intimidate or threaten. Such conduct creates reasonable fear of material harm to the physical, mental or emotional health , safety, or property of the targeted individual, a member of their immediate family, or a third party with whom the individual is acquainted.**

All subsequent numbering changes accordingly as exemplified below

~~12~~ **13.** Harassment.....

~~13~~ **14** The term sexual harassment...

RATIONALE: This change simply provides a definition for the term stalking, so that it is clear what is meant by stalking. Defining the terms used within the *Code of Student Conduct* is standard practice, so this change is in keeping with the philosophy and format of the document as a whole.

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Section III: Student Code Authority. #4 Good Samaritan actions:

2011-2012 Rules of Student Conduct, Page #6

Submitted by: The Office of Student Conduct

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4. Good Samaritan actions: In cases of alcohol and prohibitive drug intoxication, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance for themselves or for a friend/acquaintance who is suffering alcohol poisoning. No student seeking medical treatment for an alcohol or other drug-related overdose, **or other life-threatening medical emergency** will be subject to University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student, **or the student who is facing a life-threatening medical emergency**. ~~Students who are found to be legally intoxicated for a second time may be medically withdrawn pending an alcohol and other drug screening and treatment if such is indicated.~~

RATIONALE:

The purpose for this change is to be consistent with recent changes to New York State Penal Law which were recently enacted by the state assembly.

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Section IV: Code of Student Conduct Procedures A. Procedures for Review of Student Conduct 5. Student Conduct Board Hearings b)

2011-2012 Rules of Student Conduct, Page #10

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5. Student Conduct Board Hearings

k) At the discretion of the board chairperson, questions ~~from all parties~~ will be directed to the chairperson rather than directly to any party or witness.

RATIONALE:

This statement was originally added based on recent guidance from the Office of Civil Rights regarding Title IX Requirements (OCR Dear Colleague Letter: Sexual Violence, issued April 4, 2011). Specifically, it was stated that “OCR strongly discourages schools from allowing the parties personally to question or cross-examine each other during the hearing. Allowing an alleged perpetrator to question an alleged victim directly may be traumatic or intimidating, thereby possibly escalating or perpetuating a hostile environment.” The change was implemented to allow for University compliance with this recommendation while at the same time allowing for the flexibility in hearings involving other types of issues where direct questioning may be the preferable approach. The current proposal is simply a slight adjustment in wording which would provide board chairs the discretion to allow direct questioning of other (non-victim) parties involved in sexual assault hearings.

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5. Student Conduct Board Hearings

p) The student conduct board may accommodate concerns for the personal safety, ~~and~~ **and** well-being ~~and/or fears of confrontation of the accused student and/or other witness during the hearing.~~ **of both those involved in the hearing and of the campus community.** Appropriate accommodations will be determined at the sole discretion of the director of the Office of Student Conduct **and may include but are not limited to pat downs prior to entry into the hearing room, moving hearings to an off campus location, and allowing parties to participate from remote locations via electronic means.**

Rational:

This change in language clarifies that appropriate modifications may be made to address safety concerns for all parties as well as for the campus community at large.