

# Frequently Asked Questions

As a student who has become involved in a student Conduct hearing, you may have a number of questions about the Student Conduct System at Binghamton University, your rights, and your responsibilities. The complete list of frequently asked questions (FAQs) and their answers are provided in easy question and answer format.

## FAQ Answers & Clarifications

### **What is a charge letter?**

A charge letter is official notification that formal charges have been filed against you for your alleged involvement in an incident. It specifies charges and informs you that a formal conduct hearing will be scheduled.

### **Is a Conduct Board Hearing required?**

Yes, if you and the student conduct administrator are unable to reach a mutually agreeable resolution in conference, then formal conduct charges are filed and the incident is referred for a conduct hearing.

### **Who can help with questions about hearings and discipline?**

You are invited to speak with a staff member of Student Conduct (x76210), the SA Student Advocate (x74297), Resident Director, Community Director or Assistant Director of Residential Life in your building or community. Students with a recognized disability, concerned about effectively participating in the conduct process, can also consult with the Office of Services for Students with Disabilities (x72686).

### **What is the Student Conduct Board (SCB)?**

The SCB is the body responsible for hearing alleged violations of University Rules of Student Conduct listed in the Binghamton University Student Handbook. Each SCB

consists of three members drawn from the pool of eligible faculty, staff and student board members (one member is appointed Chair by the Office of Student Conduct). The SCB makes decisions on whether or not rules were violated and if so, what sanctions are to be imposed. Sanctions may range from a disciplinary warning up to and including expulsion from the university. Other sanctions could include restitution, removal from housing, community service or educational sanctions as appropriate.

### **What happens if I have objections to a board member at my hearing?**

At the start of the hearing you will be given the opportunity to object to any board member. If you raise an objection, the board will consider your objection and make a ruling. If your objection is upheld, the board member in question will be excused from the hearing. If you have no further objections, an alternate board member joins the hearing.

### **May I bring supporting information, a written statement, or notes to my hearing?**

Yes. You have the right to present supporting information, an oral statement, and witnesses on your behalf. You will have the opportunity to know and question the nature and source of information and oral statements presented during your hearing. You also have the right to be present when information is being presented pertaining to the incident.

### **May I bring an adviser to my hearing?**

Yes. You have the right to be advised by any person of your choosing during your hearing. Many students have selected a friend, faculty member or staff member or Student Advocate (x74297) as an adviser. If you decide to seek the assistance of an adviser, you are encouraged to do so immediately upon notification of your conference

or hearing. This ensures adequate time for the adviser to assist you. If your adviser is unable to attend a hearing, you will need to make arrangements with another adviser.

### **What will my hearing be like? Will it be like a trial?**

Your hearing will be nothing like a trial. Everyone will sit around a conference table in an informal atmosphere. Although informal, there is structure and order followed in every hearing. The administrator presenting charges, the accused student and witnesses will be given an opportunity to make oral statements before questions are asked.

### **Who can ask questions during a hearing?**

Board members may ask questions of the accused student, witnesses and the administrator presenting charges. The accused student(s) and student conduct administrator are invited to ask questions of each other and of all witnesses. *In cases involving allegations of sexual assault, sexual harassment, domestic violence, dating violence or stalking accused students must direct their questions through the board chair.*

### **Do I have to attend my hearing?**

No. Although it is generally in your best interest to attend your hearing, it is not required. However, if you choose not to attend, The hearing will be held in your absence. The hearing board considers the evidence available and bases its decision on a consideration of such evidence. The absence of the student charged is not an admission of culpability.

### **What standard is used to determine that a violation has taken place?**

Binghamton University relies on the preponderance of evidence standard.

## **What will happen if I am responsible for a violation of the Code of Student Conduct?**

If the Conduct Board believes you have violated campus policy, a sanction will be imposed. In deciding appropriate sanctions, the board will consider such factors as current conduct record and severity of the incident.

## **How will I find out what the hearing board decided?**

After the hearing, the Board Administrator will send you a letter. The letter will explain the board's findings. If the board found you responsible, your sanction will be explained along with a rationale for the board's decision.

## **If I am found responsible, can I appeal the results of my conduct hearing?**

Yes. You may appeal by submitting a letter to the Student Conduct Office. For more detailed information consult the Rules of Student Conduct.

## **Who can see my conduct file?**

Your conduct file is confidential. All files are maintained by the Office of Student Conduct: no unauthorized person may gain access, without a signed release from you.

## **Does the University retain records?**

Files for cases involving sanctions of **warning** up to and including **final probation** are maintained for two years from the date on which the sanction expires.

Records of **suspension** are maintained for two years from the date on which the suspended student graduates from the University. If the student does not graduate, the file is maintained as a permanent record.

Records of **expulsion** are not destroyed.

To comply with the Campus Security Act, all disciplinary referrals for incidents involving alcohol, drugs, and weapons possession are retained for seven years. These records are sealed and are only released to the authorities to which information must be made available under federal and/or state law.

For cases involving allegations of sexual assault, sexual harassment, domestic violence, dating violence or stalking, please review the Code of Student Conduct for specific information regarding records retention.

### **Will my parents find out?**

In general the Office of Student Conduct does not communicate with parents / guardians regarding matters of student conduct. However, when dependent students are involved in a series of minor violations or a single serious violation, communication with parents / guardians may occur through the sanctioning or other administrative process.

### **What if I have a disability that affects my ability to effectively participate in the conduct process?**

It's important to advise the Office of Student Conduct about your disability so appropriate accommodations can be made. Such **notification must be provided 48 hours in advance for Level I hearings and 72 hours in advance for Level II hearings.**

### **I'm concerned whether my particular disability can be appropriately accommodated?**

This is an understandable concern. The Office of Student Conduct consults with the professionals in the Services for Students with Disabilities Office for guidance on such matters and encourages students to do the same.

## **Who can help with questions about hearings and discipline?**

You are invited to speak with a staff member of Student Conduct (x76210), the SA Student Advocate (x74297), Resident Director, Community Director or Assistant Director of Residential Life in your building or community. Students with a disability, concerned about effectively participating in the conduct process, can also consult with the Services for Students with Disabilities Office (x72686).

## **What is a come see me letter?**

This letter informs you of an allegation of misconduct that has been made against you. The letter instructs you that you must meet with a student conduct administrator by a specific date and time, to discuss the allegation.

## **What happens if I do not attend the meeting?**

Failure to make and keep the appointment within the specified time frame will result in formal conduct charges being filed, including an additional charge of failure to cooperate for not meeting with the student conduct administrator. The case is then forwarded to the Student Conduct office, and a formal hearing is scheduled.

## **Do I have to discuss the case?**

No. Although you must respond to the letter by meeting with the administrator, you are not required to discuss the specific details of the case. If you choose not to engage in this type of dialogue with the administrator, the case will likely be referred for a formal conduct hearing.

## **Can I bring an adviser to my meeting?**

Yes. You have the right to be advised or supported by any person during your conference. Many students have selected a friend, faculty member, staff member or SA Student Advocate (x74297) as an adviser. Student(s) who decide to seek the

assistance of an adviser are encouraged to do so immediately upon receipt of the come see me letter. This ensures adequate time for your adviser to assist you. If your adviser is unable to attend a scheduled conference, you will need to make arrangements with another adviser.

### **What happens in the meeting with the student conduct administrator?**

During the meeting, the administrator will explain the conduct process, share information they have regarding the incident, give you the opportunity to explain what happened from your perspective, and discuss options for resolution.

### **What are the options for resolving the incident?**

Options include resolving by administrative agreement or going before a conduct hearing board. Another possible outcome is that no formal conduct charges would be filed.

### **What is an Administrative Agreement /waiver hearing?**

An Administrative agreement is an official handling of the case. The agreement outlines the specific charges being brought against you, and lists the sanctions being imposed. By signing the agreement you admit responsibility for violating the policies listed and agree to the sanctions. In doing so, you waive your right to a formal conduct hearing and choose to resolve the matter in conference with the student conduct administrator.

### **Do I have to sign the Administrative Agreement /waiver hearing?**

No. You will be given 48 hours to consider the agreement and decide whether or not you are going to sign it.

### **What happens if I chose not to sign the Administrative Agreement?**

If you choose not to sign the agreement, the incident will be referred for a conduct hearing. The Student Conduct Office will schedule the hearing and will send you a packet of information including a formal charge letter.

### **Who can see my conduct file?**

Your conduct file is confidential. All files are maintained by the Office of Student Conduct: no unauthorized person may gain access, without a signed release from you.

### **Does the University retain records?**

Yes. As of October 1, 1998, the Campus Security Act mandates that the University report all disciplinary referrals for incidents involving Alcohol, Drugs, and Weapons, that were not reported to the University Police Department. In Order to comply with this federal mandate, the University retains records of the violations for a duration of seven years. However, upon completion of any sanction the records are sealed. Records for other types of violations are destroyed upon completion of any sanction.

### **Will my parents find out?**

In general the Office of Student Conduct does not communicate with parents / guardians regarding matters of student conduct. However, when dependent students are involved in a series of minor violations or a single serious violation, communication with parents / guardians may occur through the sanctioning or other administrative process.