

# 2025-2026

# Student Handbook

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Welcome to the 2024-2025 academic year at the State University of New York College of Agriculture and Technology at Cobleskill! On behalf of the faculty and staff, we hope you will take advantage of all that Cobleskill has to offer and become a successful and engaged member of our campus community throughout your college career.

As a SUNY Cobleskill student, you are afforded many rights. With these rights come responsibilities. All of our students are expected to be familiar with and uphold the policies outlined in this handbook as well as those listed by other departments. Please pay particular attention to the Student Conduct Codes.

Policies as stated in this Student Handbook are subject to change. The College may amend policies and procedures at any time, giving the community reasonable notice of the changes via official student e-mail address. For the most recent and accurate Student Handbook, please refer to the online version.

Whether you are a new or continuing upper-class student, I invite you to reflect upon the coming year and determine what it is that you would like to accomplish within and beyond the classroom. Challenge yourself. Go beyond what you think you can do by raising the bar not only for yourself but for your classmates. It is through such challenges that each of us learns to grow and excel.

My colleagues and I wish you a most successful 2024-2025 year at SUNY Cobleskill!

Anne Hopkins Gross, EdD  
Vice President for Student Development

## COLLEGE POLICIES

### ADMINISTRATIVE WITHDRAWAL REVIEW UPON RE-ENTRY DUE TO MENTAL AND/OR MEDICAL CONDITION (“Re-entry meeting”)

Students who are removed from campus for emergency medical evaluation and/or treatment are required to be processed through an administrative re-entry review. This process will be scheduled on the business day following the student’s discharge from medical care to consider the student’s requested return to the campus and will be facilitated by the Vice President for Student Development or designee. The purpose of this review process will be to consider the request for re-entry, the circumstances for removal from campus, discharge referrals, treatment recommendations, and campus support services available to the student. The review process will include discussion of the student’s fitness to return to the academic and social rigors of a college environment. The campus expectations regarding student behavior and good citizenship following return to the campus will also be reviewed and must be agreed upon by the student. If the student fails to participate in the administrative re-entry process, a recommendation will be made for an administrative withdrawal review and determination.

### AFFIRMATIVE ACTION POLICY

SUNY Cobleskill is firmly committed to providing equal educational and employment opportunities for all persons, without regard to an individual’s race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. The College’s affirmative action obligations reflect not only federal and state laws, but also the College’s and the State University of New York’s longstanding commitment to the ideals of fairness, access and excellence. Further, the College believes that its mission as an institution of higher education demands that it be committed to increasing the representation of protected groups throughout the workforce.

### ALCOHOL AND OTHER DRUGS POLICY

#### **Alcohol Policy**

The following guidelines for the responsible consumption of alcohol apply to students of SUNY Cobleskill:

- a. Alcoholic beverages are not permitted in non-residential buildings including areas such as grounds, athletic fields, or facilities of the College or of the Cobleskill Auxiliary Services except by special authorization (approval) by the College President or designee.
- b. Alcohol may be possessed and responsibly consumed by students or guests over 21 years of age who reside in the residence halls.
- c. A student may not provide a minor with any form of alcohol, nor may they knowingly provide access to alcohol for an individual under the age of 21.
- d. Students less than 21 years of age may not use, possess, distribute, sell or be knowingly in the presence of alcohol beverage or paraphernalia (empty or full alcohol containers, funnels, boxes, etc.) on the College campus except as expressly

permitted by law or University policy. The only exception is that underage students who reside in the residence halls with students of legal drinking age may be in the presence of alcohol in their assigned student residence hall room, provided these underage roommates do not distribute, sell, possess or consume alcohol. No alcoholic beverages shall be permitted in rooms of students where all residents are under the age of 21, even if a student 21 years of age or older is present.

- e. Students present in a residential room not assigned to them where any alcohol is being consumed by under 21-year-olds are in violation of the alcohol policy.
- f. Sealed containers of alcohol may be transported through residential hallways and stairwells, by those 21 and older, but may not be consumed in public areas of the residence hall.
- g. Games of chance, drinking games, contests, funnels and other activities that induce, encourage, or result in the rapid consumption of alcohol are prohibited (e.g. beer pong, flip cup, etc.).
- h. Empty or full kegs, beer balls, or any other large container of alcoholic beverage designed for consumption by a group of people are prohibited on campus operated property.
- i. Conduct related to the use of alcohol where the individual becomes a disruption to the community is prohibited.

### **Alcohol And Drug Free Campus and Work Environment**

SUNY Cobleskill is committed to development and maintenance of a Drug and Alcohol Free Campus and Work Environment. In accordance with the Federal Drug Free Act of 1988, the State of New York Policy on Alcohol and Controlled Substances in the work place, the State of New York Beverage Control Act, and the College Policy under the Student Conduct Codes which prohibits both drugs and alcoholic beverages, the College will not tolerate the presence of either alcoholic beverages or controlled substances on the campus.

Students are subject to enforcement through the campus judicial system and the provisions of law. Employees are subject to enforcement through applicable disciplinary procedures consistent with laws, rules, regulations, and collective bargaining agreements.

The College will make every effort to maintain a drug and alcohol-free campus and work place. Those who seek assistance with a problem related to one of these conditions should seek assistance from a campus resource, such as the Counseling Service, the Health Service, or consult with the Office of the Vice President for Student Development or the Director of Human Resources.

### **Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases**

The health and safety of every student at SUNY Cobleskill is of utmost importance. SUNY Cobleskill recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Cobleskill strongly encourages students to report incidents of domestic violence, dating violence, stalking,

or sexual assault to institution officials.

A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to SUNY Cobleskill officials or law enforcement will not be subject to SUNY Cobleskill's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

### **Good Samaritan 911 Policy**

Abuse of alcohol and other drugs can create life-threatening situations that require an immediate response from emergency services personnel. In all instances, the College is concerned that those in need receive prompt medical attention. The College cannot guarantee absolute immunity from sanctions associated with violations of the Code or state and federal law. However, efforts will be made to mitigate sanctions associated with alcohol and other drug offenses for "Good Samaritans." These considerations apply only to the individual(s) who may have contributed or participated in the use and abuse of alcohol or other drugs, but summoned aid.

### **BIAS ACTS AND HATE CRIMES PROTOCOL & THE BIAS ACTS RESPONSE TEAM (BART) (updated 04.17.23)**

The College responds to bias acts, including hate crimes, according to procedures that are ratified by the President's Cabinet and reviewed regularly; the policy and reporting procedures are outlined below.

### **Definitions of Bias Acts and Hate Crimes**

**What is a bias-related act?** A bias act is conduct that adversely and unfairly targets an individual or group based on the social identity categories of race, color, national origin, religion, creed, age, sex, sexual orientation, class, disability, gender identity, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence survivor status, criminal conviction, or any combination of these characteristics.

The perpetrators may be known or unknown, and the act may be verbal, written, or physical and occur on the SUNY Cobleskill campus or within an area that affects the campus community. Activity protected by the First Amendment will not constitute bias acts.

Harassment on the basis of a protected characteristic(s) other than sex/gender is harassment based on race, color, class, age, religion, national origin, disability, sexual orientation, or other protected characteristic(s) is oral, written, graphic or physical conduct relating to an individual's protected characteristics that is sufficiently severe and/or serious, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities.

Sex discrimination is any behaviors and actions that deny or limit a person's ability to benefit from and/or fully participate in educational programs or activities, or employment opportunities

because of a person's sex. These behaviors and actions include but are not limited to sexual harassment, sexual assault, sexual violence by employees, students, or third parties. Employees and students should report sex discrimination, including but not limited to sexual harassment and assault that they observe or become aware of, to the Title IX coordinator or Affirmative Action officer.

**What is a hate crime?** According to New York State Penal Law §485.05, a person commits a hate crime when they commit a specified criminal offense and either intentionally commit the act or intentionally select the person against whom the offense is committed in whole or in substantial part because of a belief or perception regarding the race, color, class, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

### **Procedures for Reporting Bias Acts and/or Hate Crimes**

If you feel you are the target of a bias-related act or witness a bias-related act against another individual(s), please follow the reporting procedure outlined below. As a general rule, when in doubt, **contact UPD**.

#### **GRAFFITI**

Do not erase or clean it. Contact UPD immediately so that an officer can photograph and/or record the contents of the graffiti, as well as collect any other available evidence. If you cannot remain at the scene until an officer arrives, cover any graffiti/evidence with a piece of paper. Write on the paper that UPD was called and give the date and time of your call. This will prevent others from seeing it, making additional calls, or erasing the evidence.

If you are told by someone that they observed bias-related graffiti, you or the person who told you should contact UPD. However, if you are told that the evidence of this graffiti has been cleaned or erased, you should submit the electronic Bias Act Complaint Form <https://www.cobleskill.edu/campus-life/university-police/bias-reporting-form.aspx> and provide as much information as you have about the time and place the graffiti was seen.

#### **OTHER PROPERTY DAMAGE**

Do not attempt to clean or repair the damage.  
Contact UPD immediately for an officer to collect evidence and record the damage.  
UPD and/or Residence Life may contact an emergency maintenance staff member if the damage makes a structure unsafe.

#### **HARASSMENT AND/OR THREATS**

Students – If you are concerned for your safety, contact UPD immediately and provide detailed descriptions of what happened, what was said, who was involved, and where it occurred. Also include names of any witnesses.

Employees – If you are concerned for your safety, contact UPD immediately.

Additionally, please follow the [Workplace Violence Policy](#). This policy directs you to



discuss the incident with your supervisor, who will then contact Human Resources for investigation, follow-up, and support as needed. For additional information, you may also refer to the Discrimination Policy.

#### **PHYSICAL ATTACK**

Contact UPD immediately for medical evaluation and assistance by dialing Emergency: 911 or 518-255-5555, Non-Emergency: 518-255-5317. For employees, this also falls under the Workplace Violence policy. A UPD Officer will direct you regarding how to proceed.

#### **Anonymous Reporting**

If you and/or a witness want to remain anonymous, you may still report a bias act by using the Tip Line <https://apps.cobleskill.edu/tipline> form on the UPD website. Confidential reporting can limit investigations, but it will provide a record that may assist officers in resolving other cases. Anonymous reports will also assist the campus in keeping a record of bias acts that occur in our community.

#### **Investigative Process**

If you file a report with law enforcement (UPD, the police, or another law enforcement agency), an officer may investigate based on potential criminal activity related to the incident you reported. If you elect not to pursue or participate in a disciplinary proceeding (as applicable), the College may determine it is necessary to pursue the complaint without your involvement. You will be notified if such an action is needed.

The BART will ensure that all complaints it receives through the <https://www.cobleskill.edu/campus-life/university-police/bias-reporting-form.aspx> are promptly referred to the appropriate investigative authority for investigation. These investigative authorities may include the Title IX Coordinator and/or Deputy Coordinator for allegations pertaining to Title IX violations; University Police for allegations pertaining to violations of NYS Penal Law; Student Conduct for allegations of Student Conduct Code violations; and/or Human Resources for violations of SUNY policies. Some complaints, by their nature, may be referred to more than one of these authorities. As part of the process, all reporting individuals will be provided with additional resources available to them.

Complaints that are found after investigation to have been made with false information with the specific intent to create public alarm and/or to provide false information to an investigative authority may also be referred to a law enforcement agency for criminal action and/or the Director of Student Conduct or Director of Human Resources.

#### **The Bias Acts Response Team's (BART) Purpose and Membership**

BART consists of campus community members who convene to ensure that members of the college community, who have been affected by bias-related acts, have access to reporting mechanisms, resources, and support. The team does not investigate, arbitrate, or replace other SUNY Cobleskill procedures or services. Its purpose is to supplement and work with campus units to connect those who have experienced bias or those who have witnessed such acts to

available resources and supports.

Responses may include investigation and referral to adjudication, as appropriate, by University Police Department, the Office of Student Conduct, the Office of Human Resources. Other kinds of responses (e.g., passive or active programming about bias acts, facilitated meetings among those who have perpetrated bias acts and those who have been targeted, etc.) are arranged on a case-by-case basis. Persons or communities who have been targeted will be contacted by a member of the team to discuss possible responses and the process for investigation and adjudication.

Information about the college's response to bias acts and hate crimes is disseminated through the Office of the Vice President of Student Development, the Office of the Chief Diversity Officer, the Office of Human Resources, and the University Police Department.

Office of the Chief Diversity Officer: Knapp Hall 222, 518.255.5839

Vice President for Student Development Office: Knapp Hall 237A, 518.255.5214

Office of Human Resources: Knapp Hall 123, 518-255-5423

UPD: Johnson Hall - Emergency: 911 or 518-255-5555, Non-Emergency: 518-255-5317

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### **BART Membership:**

Vice President for Student Development, Co-Chair

Chief Diversity Officer, Co-Chair

Affirmative Action Officer

Associate Vice President for Student Development

Director of Accessibility Resources & Transition

Director of Communications

Director of Greek Life & Multicultural Education

Director of Human Resources

Director of International Education

Director of Residential Life

Director of the Wellness Center

Director of UPD

Faculty Representation (2)

Title IX Coordinator

***Always call UPD if an emergency!***

**Contact UPD as the first responder to an incident:**



**If complainant does not wish to contact UPD:**



### **Resources**

University Police Department	518.255.5317/5555/x911
Human Resources	518.255.5465
Chief Diversity Officer	518.255.5462
Student Conduct	518.255.5229
Title IX Coordinator	518.255.5999
Vice President for Academic Affairs	518.255.5523
Vice President for Student Development	518.255.5214
Wellness Center	518.255.5225

## CAMPING AND USE OF TENTS ON CAMPUS (updated 08.21.24)

### **Purpose**

To set forth the State University of New York (SUNY) Campus policy on camping and the use of tents/canopies on campus.

### **Scope**

SUNY Cobleskill is committed to maintaining a clean, aesthetically pleasing, healthy, hygienic and safe work, educational, and living environment in order to effectively carry out its educational mission. SUNY Cobleskill is authorized to control its buildings and grounds consistent with the SUNY policies for use of facilities, which prohibit the use of College property or buildings for purposes unrelated to the regular programs and activities of the University.

### **Definitions**

#### *Camping:*

- In indoor or outdoor locations, the establishment of, evidence of an attempt to establish, or maintenance of temporary or permanent living quarters at any location on College property other than living quarters in residence halls and living quarters in apartments, or other College-managed housing—this includes the establishment of any indoor and/or outdoor encampment erected in connection with any lawful assembly of individuals pursuant to SUNY Cobleskill policies;
- Sleeping overnight in, on, or under any parked vehicle; or
- Establishing or maintaining indoors or outdoors, or in or under, any structure not designated for human occupancy, at any time during the day or night, a temporary or permanent place for cooking, storing of personal belongings, or sleeping by setting up any bedding, sleeping bag, mattress, tent, hammock or other sleeping equipment, or by setting up any cooking equipment that has not been approved by the Office of Environmental Health and Safety.

*Campus or Campuses* is any College-owned, leased, licensed or operated space, facility, property, grounds or building.

**Canopy** is a structure, enclosure or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and is open without side walls or drops on 75 percent or more of the perimeter.

**Permit** is a written document prepared by the Vice President for Student Development or designee issued to Campus Personnel to allow the set up and use of a tent or canopy for a specified amount of time. Permits may be revoked if permit conditions are not followed.

**Tent-** any and all structures, enclosure or shelter constructed of any material, including but not limited to fabric or pliable materials supported by any manner.

*Third Party or Parties* is any person, organization, group or entity not affiliated with the College including, but not limited to, the general public, contractors, vendors, guests and visitors to the College, those using College facilities or property under a College revocable permit, and volunteers not enrolled as such on College systems.

*College* is SUNY Cobleskill.

### **Policy**

- A. Camping is prohibited on the College Campus.

- B. Exceptions
  - 1. Actions that constitute “camping” as defined above may be allowed with prior, written permission in the following limited circumstances:
    - a. With the advance written approval of the Vice President for Student Development or designee following the appropriate campus procedures below.
    - b. As approved as part of a revocable permit for Campus use pursuant to SUNY Policy No. 5603 (Use of Facilities by Non-Commercial Organizations).
    - c. In extraordinary circumstances, such as times of natural disaster, when approved in writing in advance by the President of the College or their designee.
- C. Enforcement and Compliance
  - 1. The University Police Department is responsible for addressing non-compliance with this policy by all persons and may address violations of this policy that constitute criminal trespass or any other violation of law.
  - 2. Students may be referred to the Student Conduct Office for alleged violation of this Policy.
- D. This Policy shall be effective immediately upon approval.

#### **Additional Procedure for Tents and Canopies Larger Than 400 Square Feet**

- A. ***Tents or canopies covering an area in excess of 400 square feet must also comply with this additional procedural section.***
- B. ***Permit requirement:*** a permit is required for tents and canopies >400 square feet. Such structures shall not be erected prior to obtaining a permit.
- C. ***Construction documents:*** a detailed site and floor plan for tents and canopies with an occupancy load of 50 or more shall be provided with each application for approval. The floor plan shall include details of means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment.
- D. ***Inspections:*** Tents and canopies shall be inspected prior to occupancy and use. Tents in use for 30 days or more shall be re-inspected bi-weekly.
- E. ***Location:*** Tents and canopies must not be located within 50 feet of: lot lines, buildings, other tents and canopies, parked vehicles or other internal combustion engines. For the purposes of required distances, support ropes and guy wires shall be considered as part of the tent or canopy.
- F. ***Fire Break:*** On all sides of any tent or canopy, there must be an unobstructed passageway or fire road not less than 12 feet wide free from guy wires, ropes and other obstructions to allow for fire department access unless approved by the Vice President for Student Development or designee.
- G. ***Anchorage required:*** Tents and canopies shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing. Documentation of structural stability shall be furnished to the Vice President for Student Development or designee on request. If tent stakes or pins will be driven into the ground for stability, NYS law requires that you contact Dig Safely NY (811) prior to insertion of tent stakes or pins. Sandbags, Water barrels, and cement is also an option, but it must be appropriately anchored for wind and weather elements.

- H. ***Seating arrangements:*** All seating arrangements shall be in accordance with Chapter 10 (means of egress) of the Fire Code of New York State.
- I. ***Means of egress:*** Exits shall be spaced at approximately equal intervals around the perimeter of the tent or canopy and shall be located such that all points are 100 feet or less from an exit. The number of exits varies depending on the number of occupants.

#### Related Documents

##### Regulations:

- [8 NYCRR Part 535](#)
- [Fire Code of New York State, 2020](#)

##### SUNY Policies:

- [3653 – Rules for the Maintenance of Public Order](#)
- [5607 – Commercial Use Policy](#)
- [5603 – Use of Facilities by Non-Commercial Organizations](#)

#### CAMPUS CLIMATE ASSESSMENT POLICY

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. Beginning in the 2015-2016 academic year, SUNY Cobleskill began conducting an annual uniform climate survey that ascertains student experience with and knowledge of reporting and college adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

- Student and employee knowledge about:
  - The Title IX Coordinator's role;
  - Campus policies and procedures addressing sexual assault;
  - How and where to report sexual violence as a victim/survivor or witness;
  - The availability of resources on and off campus, such as counseling, health, academic assistance;
  - The prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
  - Bystander attitudes and behavior;
  - Whether victims/survivors reported to the College/University and/or police, and reasons why they did or did not report.
  - The general awareness of the difference, if any, between the institution's policies and the penal law; and
  - The general awareness of the definition of affirmative consent.

SUNY Cobleskill take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no

personally identifiable information shall be shared  
(<https://www.cobleskill.edu/titleix/survey-report.aspx>).

This policy may be changed by the Chancellor or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

#### **DISCRIMINATION: COMPLAINT PROCEDURE FOR THE REVIEW OF ALLEGATIONS OF UNLAWFUL DISCRIMINATION**

SUNY Cobleskill, in its continuing effort to seek equity in education and employment and consistent with Federal and State anti-discrimination legislation, has adopted a complaint procedure for the prompt and equitable investigation and resolution of allegations of unlawful discrimination on the basis of race, color, national origin, religion, creed, age, sex, sexual orientation, disability, gender identity, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Harassment on the basis of any of the above categories is unlawful discrimination. Employees or students who observe or become aware of any form of discrimination including sex discrimination, sexual harassment and sexual violence, should report this information to Mary Elhakam, Title IX Coordinator, 518-255-5999, [Elhakam@cobleskill.edu](mailto:Elhakam@cobleskill.edu).

The Complaint Procedure for the Review of Allegations of Unlawful Discrimination provides a mechanism through which SUNY Cobleskill may identify, respond to, and prevent incidents of illegal discrimination. The College will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to remedy its discriminatory effects on the victim(s) and others, if appropriate.

The full Complaint Procedure for the Review of Allegations of Unlawful Discrimination can be found at: [www.cobleskill.edu/about/administrative-offices/human-resources](http://www.cobleskill.edu/about/administrative-offices/human-resources).

SUNY Cobleskill's Policies on Sexual Violence Prevention and Response can be found at:  
[https://www.cobleskill.edu/titleix/pdf/Policies\\_on\\_Sexual\\_Violence\\_Prevention\\_and\\_Response.pdf](https://www.cobleskill.edu/titleix/pdf/Policies_on_Sexual_Violence_Prevention_and_Response.pdf)

#### **DINING SERVICES/CAS DINING SERVICES CODE OF CONDUCT**

Dining Services is committed to providing you, our customers and guests, with a fresh, quality conscious meal of your choice in a courteous and timely manner.

We ask that you recognize that the campus as a whole dines together as a community and in that spirit, please acknowledge appropriate interactions while in our campus facilities.

- Please refrain from loud disruptive behavior as well as inappropriate language.
- Damaging or defacing furniture or equipment is unacceptable.
- Food is not to be thrown in ANY circumstances. In the event this occurs in your direct dining vicinity it is advisable to move your seat

immediately.

- Radios, CD Players, Skateboards, Scooters, Bicycles, Roller Blades and any related items are NOT PERMITTED in the Dining Units. We suggest you leave them in a more secure area.
- Theft will be reported to University Police and handled in accordance with campus policy.
- Containers (food containers or cups) may not be brought into Dining Units. Reusable mugs may be brought into all units (excluding Champlin) and can be refilled at a discounted refill charge (exceptions apply). Take-out policy varies among dining locations.
- Shirts, pants and shoes are required.
- At the request of any Dining Services staff member, you are required to present your CobyCard.
- CobyCards found in the possession of others will be CONFISCATED in all circumstances. IDs are NON-TRANSFERABLE.

To ensure everyone has the option of enjoying their meal in our dining rooms, we ask for your cooperation in observing the above guidelines. Dining Services reserve the right to refuse admission

#### **EQUAL OPPORTUNITY STATEMENT**

The University is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

Employees, students, applicants or other members of the University community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law or treated adversely or retaliated against based upon a protected characteristic. The University's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment.

These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may be directed to Mary Elhakam, Title IX Coordinator, 518-255-5999, [Elhakam@cobleskill.edu](mailto:Elhakam@cobleskill.edu). Inquiries may also be directed to the United States



#### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day SUNY Cobleskill receives a request for access.

Parents or eligible students should submit to the College Registrar a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask SUNY Cobleskill to amend a record should write to the College Registrar, clearly identify the part of the record they want changed and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from 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 school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if they need to review an education record to fulfill their professional responsibility.

Upon request, the college may disclose education records without the consent of officials of another school in which a student seeks or intends to enroll or is already enrolled if the disclosure is for purposes of the student's enrollment or

transfer.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by SUNY Cobleskill 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

#### SUNY Cobleskill and SUNY System Administration

SUNY Cobleskill and SUNY System Administration are deemed "school officials" with "legitimate educational interest" under FERPA. SUNY Cobleskill and SUNY System Administration share student record information regularly in support of student needs. Students' personally identifiable information is protected within both entities and requires student authorization to share any non- directory information with a third-party request.

#### SUNY Cobleskill Directory Information Under FERPA

SUNY Cobleskill has designated directory information, according to FERPA as amended, to be the student's:

- full name
- campus, home address or local address
- local telephone number
- major
- department
- dates of attendance
- date(s) of graduation
- degree(s) awarded
- awards
- full-time/part-time status
- e-mail address
- photo ID
- Participation in a recognized club or organization

This information can be released without written prior consent from the student. All other education records will be released only under compliance with FERPA. Students currently enrolled at SUNY Cobleskill may object to the release of "directory information" pertaining to them by completing the FERPA Confidentiality Directory Exclusion Request and submitting the form to the Registrar's Office, Knapp Hall 101, within fourteen (14) days following the first day of classes each semester. Completion of this document means Directory Information will be excluded indefinitely unless a student completes and submits the FERPA Revocation of Confidentiality Directory Exclusion Request.

## Parental Access Under FERPA

A parent's access to their eligible students' records requires student authorization by filling out the FERPA Student Records Access Authorization form and submitting it to the Office of the Registrar.

Faculty, staff, and administration cannot discuss student academic records unless student authorization is provided. Requests to revoke access to a student's record must be submitted in writing to the Office of the Registrar in Knapp Hall.

Find information regarding FERPA at <https://www.cobleskill.edu/academics/registrar/ferpa.aspx>

## FREEDOM OF EXPRESSION & ASSEMBLY STUDENT POLICY AND PROCEDURES (updated 08.21.24)

### PURPOSE

The State University of New York (SUNY) respects and fully supports the rights of free speech guaranteed by the constitutions of the United States and the State of New York. SUNY values the free expression of ideas and supports individuals' right to assemble.

SUNY Cobleskill promulgates this policy to provide meaningful opportunities for members of our community to express their views and to ensure that the time, place, and manner of such expression does not interfere with the safety and security of our campus community or disrupt the regular operations of the campus and abides by Title VI Rules and Regulations.

### SCOPE

This content-neutral policy is applicable to all SUNY Cobleskill students. SUNY Cobleskill's "Use of Campus Facilities by Third Parties for Free Speech" model policy applies to all third parties, who are not sponsored by SUNY or its Campuses and/or recognized student group, who want to use the SUNY Cobleskill Campus' designated public forum for free speech purposes.

### POLICY

SUNY Cobleskill students are guaranteed the rights of free inquiry and expression. Subject to applicable content-neutral policy, students are guaranteed the right to hold public meetings and engage in peaceful and orderly assemblies—including, but not limited to, protests, demonstrations, rallies, vigils, marches, and picketing—in and upon designated public areas of campus grounds and buildings.

SUNY Cobleskill designates the following as public areas for the purpose of peaceful and orderly assemblies:

1. Area east of Prentice Hall as designated on campus map.
2. Area east of the Carriage House as designated on campus map.

SUNY Cobleskill will not interfere with orderly assemblies in designated public areas of grounds and buildings unless participants engage in any of the following:

1. Conduct that prevents the orderly administration of college classes, lectures, meetings, interviews, ceremonies, and other campus events or University operations; including, but not limited to the following “Black-Out Day’s”

**Black-out days:** SUNY Cobleskill has “black-out” certain days on its calendar wherein the use of the campus and its facilities, including outdoor spaces are reserved exclusively for Campus related activities that are at the very core of its primary educational mission. During these black-out periods, no third party shall be allowed to use the designated public forum for free speech purposes. The college defines the black-out periods to include the following:

- a) During Opening Weekend for the commencement of fall and spring semesters;
  - b) During final week of classes and examination periods as set forth on the then current academic calendar;
  - c) During graduation and commencements activities;
  - d) During major fall or spring campus wide event such as Homecoming, Wildlife Festival, Spring festival, Halloween Community Event, The Kickoff etc.
  - e) During the conservation shut down of educational buildings and administrative offices as defined on its calendar when the temperature of the offices shall be below 60 degrees Fahrenheit (typically between the end of the examination period when students leave campus for the winter holiday break and a few business days after the New Year.) This time frame is included in the black-out period because the offices are typically closed for the receipt of applications and the Campus is virtually vacant to conserve energy and to save money to meet state budget reductions.
2. Conduct that obstructs the free movement of vehicles or of persons, including, but not limited to in any building or facility, inclusive of blocking hallways and doors;
  3. Engage in conduct that could foreseeably cause injury or damage to persons or property;
  4. Operation of audio amplification equipment in a manner that conflicts with normal College operations or that is deemed injurious to health and safety, or that is in violation of **SUNY Cobleskill Campus Regulations** or **Village of Cobleskill Ordinances**.
  5. Constructing or erecting structures, whether or not they are anchored, inclusive of screens and/or objects requiring penetration in concrete or grass, or camp on College grounds without authorization from the Division of Student Development , University Police and Facilities Offices, and indoor and outdoor encampment is generally prohibited
  6. Possession and/or ignition of an open flame of any type, including, but not limited to, torches, flares, fireworks;
  7. Assemblies cannot exceed four hours in a one-day period, and assemblies between the hours of 8:00 PM and 8:00 AM are prohibited;

8. Activities that violate the provisions of [SUNY Policy 3653, Rules for the Maintenance of Public Order](#); and
9. Activities that violate the provisions of any other applicable campus policy, as outlined in this [Student Handbook](#).

In addition, the following activities are strictly prohibited:

1. Entry into any private office of an administrative officer, member of faculty, or staff member, or entry into any other college area that is not authorized, without permission;
2. Occupation of any building; and
3. Obstruction of any roadways and sidewalks running through or adjoining the College's campus grounds.

All individuals participating in protests and demonstrations are required to provide a form of College issued or government issued identification upon request from a College official.

SUNY Cobleskill takes compliance with this policy very seriously. Students should expect that violations of this policy will result in disciplinary action under the College's Student Code of Conduct, up to and including interim suspension, suspension, and expulsion.

## **PROCEDURES**

SUNY Cobleskill respects and supports students' efforts to exercise their rights to free speech and assembly. The Division of Student Development has been designated to provide the appropriate support for the successful implementation of these events. Following College procedure will ensure a safe and effective assembly activity. The College will make every effort to respond affirmatively to all requests to engage in assembly activity. However, content-neutral consideration must be given to the time, place, and manner of the assembly activity to ensure the health and safety of the participants and the noninterference with authorized College business, activities, or events.

### **Request for Services**

1. Event organizers shall, within three (3) business days prior to the planned event, submit a written Request for Services, as follows:
  - A. The written request should contain the name of the sponsor/organizer, the proposed location and any other Services sought, the date and time of the planned assembly, and the number of persons expected to participate.
  - B. The request should be submitted to the Office of Student Leadership.
  - C. A professional staff member from the Division of Student Development will respond to the request for Services after receipt

of the written request but no later than three (3) business days prior to the proposed date of the planned event.

- D. A professional staff member will review the request and work with the sponsor/organizer to accommodate requests and determine a reasonable time, place, and manner for the assembly activity.
- E. While every attempt will be made to accommodate all requests, some modifications to the assembly activity request may be required due to the availability of the proposed time and place of the activity. A Division of Student Development professional staff member will inform the sponsor/organizer of these modifications and provide guidance as the assembly activity is planned.
- F. In the event that the proposed assembly activity is planned in direct response to a current event, the Division of Student Development realizes that it may not be possible to submit a request in advance. In such cases, the event organizer should contact the Division of Student Development as soon as possible in order to promptly coordinate the assembly activity, where reasonably possible.

#### Related Documents

- Campus Map

#### Regulations

- Village of Cobleskill Noise Ordinance
- Cobleskill Camping Policy
- Cobleskill Posting Policy
- Cobleskill Student Conduct Code

#### SUNY Policies:

- 3653 – Rules for the Maintenance of the Public Order

### HAZING

Updated January 1, 2025

Hazing in every form is prohibited. Hazing is considered interference with the personal liberty of others and includes any act of domination by some students over others which may lead to injury, emotional disturbance, physical discomfort or humiliation. Soliciting, directing, aiding or otherwise participating, actively or passively, in such activities constitutes hazing. In addition, apathy or acquiescence in the presence of hazing is not a neutral act and is considered approval of the hazing behavior.

Examples of hazing activities include, but are not limited to:

- Forced or required participation in physical activities such as calisthenics, exercises, games or “make work” activity;
- Forced consumption of food, alcohol, water, illegal substances;
- Forced, required or condoned application of foreign substances to the body resulting in lewdness or potential for ridicule or bodily harm (such as tattooing or branding);

- Participation in activities that involve illegal acts such as “pledge ditches” and kidnappings, scavenger hunts and thefts;
- Creation of excessive fatigue and stress through deprivation of privacy or sufficient sleep (defined as a minimum of six consecutive hours per day) or decent and edible meals;
- Deprivation of access to means of maintaining personal hygiene;
- Forced or required conduct that would embarrass or negatively affect the dignity of the individual, such as forced nudity or partial nudity, including coercing or allowing an individual to dress in a degrading manner as part of initiation or affiliation with a group;
- Use of physical brutality (including paddling; striking with fists, feet, open hands or objects; and branding);
- Participation in or creation of situations that cause psychological harm or substantial emotional strain, such as causing a member or pledge to be the object of malicious amusement or ridicule or other verbal abuse, causing embarrassment or shame to a member or pledge, or compromising the dignity of a member or pledge.

‘Student Organization’ means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, group or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

If you have been hazed, have witnessed hazing, or suspect that someone you know has been hazed, you can report your observations confidentially. You can do this by contacting the Director of Student Conduct at 518-255-5229 OR you can report your observations to University Police at 518-255-5555.

Hazing conduct may result in charges and arrest under the New York State Penal Law 120.16, student conduct charges, which can lead to College Suspension or Dismissal.

## HEALTH INSURANCE

While attending SUNY Cobleskill, you must maintain personal health insurance coverage. SUNY Cobleskill does not offer a specific student health insurance plan.

While the Wellness Center can provide most primary health care services, a student may need to be referred off campus to providers for services beyond the Wellness Center’s scope of practice. Therefore, students need to ensure that they have adequate health insurance coverage. Students should check with their current carrier to verify that they are covered in the surrounding localities of SUNY Cobleskill. Insurance coverage should extend beyond the emergency room services of our local hospital (Cobleskill Regional Hospital) and allow for covered services of specialty and comprehensive care locally

All students are charged the mandatory SUNY Wellness fee. This fee is not an insurance charge but instead covers most services that are provided at the Wellness Center. There are a limited number of fees associated with some services provided by the Wellness Center that may be found at <https://www.cobleskill.edu/campus-life/wellness-center/fees-wellness-center.aspx>. Your health insurance plan should cover services that are provided outside of the Wellness Center, such as laboratory and radiology tests, physical therapy, and visits to physicians,

hospitals, and other providers.

SUNY Cobleskill is not responsible in any manner whatsoever for the payment of any claim for health-related services provided to individuals covered under their personal insurance policy. SUNY Cobleskill is not responsible for financial health care costs incurred by students that are not covered by their personal insurance policy.

### **Obtaining Student Health Insurance**

Low cost, quality health insurance is available through the [New York State of Health Individual Marketplace](#) for those students in need of health insurance. [Navigators \(or In-Person Assistors\)](#) can provide personal enrollment assistance to students who would like help applying for health insurance through the New York State of Health Individual Marketplace. To learn more visit [nystateofhealth.ny.gov](http://nystateofhealth.ny.gov) or call 1-855-355-5777.

Catskill Center for Independence Navigators.

[Debbie Martin & Joda Kearney.](#)

Additionally, Robin Zimmerman, a Schoharie County Health Benefit Representative, has served as a liaison with our students to help secure health care coverage.

[Robin Zimmermann's contact information](#)

## **IDENTIFICATION CARD POLICY (updated 08.21.24)**

### **Policy Statement**

It is the policy of the State University of New York (SUNY) to issue identification cards to students at its campuses. SUNY Cobleskill requires all students to carry a valid SUNY Cobleskill identification card (“Coby ID”) to ensure the safety of students and the entire campus community.

### **Applicability of the Policy**

The identification card (including digital identification cards) must be presented or surrendered upon request of a duly authorized College official, including but not limited to residence hall staff, University Police, Student Development staff, and students, contractors, or other staff authorized by the College to supervise campus events, activities, and residence halls. Individuals may be required to reveal their faces to confirm identity when needed to maintain campus safety or security. Upon request, students must show all identifying information shown on the card and/or surrender the card to the requesting official.

Intentional refusal to present or surrender a student identification card upon request by a College official; alteration or falsification of data on an identification card; creation and/or distribution of falsified identification cards; using an identification card to impersonate others; or refusal to reveal one’s face to confirm identity; are violations of this policy and may result in disciplinary action.

### **Procedures**

It is the student’s responsibility to replace the identification card if it is confiscated, stolen, lost, bent, broken, or worn beyond the point of readability by College officials and/or card readers used by the College. Replacement cards may be obtained at the I.D. Office, in accordance with posted fees.



SUNY Cobleskill identification cards are provided for appropriate identification use and access to buildings and services. The cards are not transferrable and are valid as long as the holder continues their specific affiliation with the campus. A campus identification card is to be used only by the person to whom it is issued. Lost or stolen cards should be reported immediately to the Coby ID Office, Bouck Hall.

Cobleskill Auxiliary Services and the College are not liable for any charges or other damages incurred if an ID is lost and used by another.

## **INFORMATION TECHNOLOGY SERVICES/COMPUTERS AND NETWORK**

Whether you connect to campus computing resources through a wireless or wired network port with your personal computer or log on to the campus network from a computer in an open access lab, you have agreed to abide by the Computing Resources Policy of SUNY Cobleskill.

### **Authorized/Responsible Use of Campus Computing Resources:**

Access to computing is provided to facilitate access to the Internet, e-mail, and user data files necessary to conduct campus-related activities. All users who access campus resources have the responsibility to use them within the guidelines specified in the Campus Computer Resources Policy and Student Conduct Codes.

Effective, efficient, ethical and legal use of any computer account issued by SUNY Cobleskill is the responsibility of the person in whose name it is issued. Unauthorized use of computer services will be considered to be theft of services; will result in immediate suspension of your account privileges; and will be dealt with according to the "appropriate disciplinary process" and/or Chapter 514 of the New York State Penal Law. The full text of the Computer Resources Policy is in the Information Technology Student Handbook located at: [http://www.cobleskill.edu/information-technology/ITWeb\\_StudentHandbook2016.pdf](http://www.cobleskill.edu/information-technology/ITWeb_StudentHandbook2016.pdf). Other useful links to Information Technology Services (ITS) resources and services are located on the ITS Home page: <http://www.cobleskill.edu/information-technology/>.

### **Network Accounts and Email**

A computer account is established for all officially registered students to provide authorized access to the following computing resources at SUNY Cobleskill.

- SUNY Cobleskill MS Office 365 account where all official campus communication will be sent
- Access to a 1 TB OneDrive for Business Cloud Storage
- Access to the "Faculty Academic Network Shares" (Network storage used by faculty to share files with their students.)
- Access to networked and web based printing ([\\ntprint1.cobleskill.edu](http://ntprint1.cobleskill.edu)) services (Quota is managed: each student starts off with a 300 page limit per academic year. Additional printing services may be purchased as needed.)
- Use of high-end computers in computer classrooms and open access labs
- Campus Standard and Curriculum-specific software
- Login to SUNY Cobleskill ISP services and Wi-Fi (Tigernet)

SUNY Cobleskill Network Account Activation/Password Reset can be processed online from any Internet capable device on and off campus (<https://secure2.cobleskill.edu/mylogon>). This site can also be used at any time throughout your enrollment at SUNY Cobleskill to activate a new account, reset a lost or forgotten password to your Network/Email Account, unlock a locked account, or check the status of your account. This process requires you to log on with your Banner Web User ID and PIN. If you require assistance with your Banner Web User ID and/or PIN, please contact the Registrar's Office, [registrar@cobleskill.edu](mailto:registrar@cobleskill.edu), or (518-255-5522). *At SUNY Cobleskill, email is the official means of communication for the campus. Students are expected to activate and use their Cobleskill network accounts to open and read campus email.*

### **Network Access Policy**

ITS requires registration of all devices accessing our Network and Internet services. All Internet capable devices must meet our WPA2 Enterprise Encrypted requirements. Students who have successfully registered their devices are compliant with the following campus network requirements and accept responsibility for any and all activities under their registered account and network port:

1. All computers are required to have a valid registered copy of an operating system.
2. All computers are required to have all available MS Windows and Mac OS critical updates applied.
3. All computers are required to have valid and regularly updated anti-virus software; students without anti-virus software may obtain it through the ITS Helpdesk (518-255-5800) located in Warner Hall 023.
4. File-sharing programs, Internet/Intranet gaming and networking devices and services (such as servers, routers/switches, web servers, etc.) that compromise network integrity and/or stability are prohibited on the residence hall network.
5. All portable, Internet capable wireless devices also require activation. Each user is limited to five device registrations.

Once registered to a specific student, all activities conducted through the registered port are the responsibility of that resident. ITS routinely maintains and monitors residence halls to maintain a secure and stable network environment. Sanctions will be imposed for any student not in compliance in accordance with the Campus Computer Resource Policy.

Procedures for Suspected Abuse/Misuse of Computer or Network Hardware, Software and Systems Due to the potentially serious impact upon other users and the potential damage to the integrity of College records and resources, any suspected abuse or misuse of College computer and/or network hardware, software, and systems must be addressed immediately.

Therefore, upon discovery or notification of an alleged abuse or misuse, the student's computer account and/or network access will be temporarily deactivated. The student will be notified of the status of his/her account and/or network access. He/she will need to meet with the Information Technology Services Systems and Network Administrator and/or his/her designee before the account and/or network access can be reinstated. The Systems and Network Administrator or designee will explain to the student the nature of the alleged violation and seek to determine whether the incident or condition is deliberate, intentional, or unintentional and to

determine any associated facts, involvement of others, and the like. If the Systems and Network Administrator or designee determines that the incident was unintentional, caused by inexperience or lack of understanding, the account and/or network access may be reactivated without further hearing. If, however, the intentional abuse or misuse is determined, the student's account and/or network access will remain deactivated and the Administrator or designee will convene a meeting of the Student Access Violation Committee. The Committee shall take one of two actions: reactivate the student's account and/or network access and provide appropriate education, or file judicial charges with the Office of the Vice President for Student Development for action through the student judicial system. (Temporary reactivation may be implemented by the Committee.) *Additional incidents will be viewed as very serious.*

#### INVOLUNTARY LEAVE OF ABSENCE

(effective August 1, 2024)

SUNY Cobleskill, as an institution of the State University of New York system, is required to comply with all policies as promulgated by SUNY unless such policy allows for or requires a separate policy on the issue at hand be adopted by an individual institution of SUNY. With regard to SUNY Policy 3202 regarding Involuntary Leave of Absence for Students, such policy does not allow for a separate policy by individual institutions of SUNY and therefore the University adopts and will enforce SUNY Policy 3202 as written. Please refer to the following link for SUNY Policy 3202:

[https://www.suny.edu/sunypp/documents.cfm?doc\\_id=927](https://www.suny.edu/sunypp/documents.cfm?doc_id=927)

#### MAINTENANCE OF PUBLIC ORDER (SUNY)

SUNY Cobleskill, as an institution of the State University of New York system, is required to comply with all policies as promulgated by SUNY unless such policy allows for or requires a separate policy on the issue at hand be adopted by an individual institution of SUNY. With regard to SUNY Policy 3653 Rules for the Maintenance of Public Order, such policy does not allow for a separate policy by individual institutions of SUNY and therefore the University adopts and will enforce SUNY Policy 3653 as written. For the policy, please refer to the following link: [https://www.suny.edu/sunypp/documents.cfm?doc\\_id=351](https://www.suny.edu/sunypp/documents.cfm?doc_id=351)

#### MISSING STUDENT REPORTING

Missing persons should be reported directly to University Police IMMEDIATELY. DO NOT WAIT, if you believe a student is missing. Students are encouraged to identify a person who College personnel should contact in the event they are determined to be "missing" [Resident Hall Registration cards include a section to allow students to identify a confidential emergency contact. This emergency contact information, which is accessible only by authorized campus officials, will only be given to law enforcement for the furtherance of a missing person investigation.].

Federal law states that the campus is required to provide missing person notification to:

- all local police agencies pursuant to the Memorandums of Understandings;
- the student's designated contact person if provided; and
- If the student is under 18 years of age, and, not emancipated, within 24 hours of the determination that they are missing, in addition to notifying the emergency contact, the custodial parent or guardian will be notified.

University Police immediately conducts an initial investigation and if after a reasonable period of time, (not more than 24 hours) the student has not been located, University Police will proceed with the required notifications. The sooner the investigation begins the better chance of locating the missing person.

## **NON-DISCRIMINATION ON THE BASIS OF DISABILITY**

A disability, as defined in the Rehabilitation Act of 1973, is a physical or mental impairment which substantially limits one or more of a person's basic life activities. The term disability may be used to refer to a visual, auditory, mobility, or other health related impairment, emotional difficulty, or learning disability. Some disabilities are not outwardly obvious, so appearance is not a reliable way to determine if someone has a disability. Some disabilities may be permanent or chronic, others may be temporary. In addition to the Rehabilitation Act, colleges and universities must comply with the Americans with Disabilities Act of 1990 and its 2010 amendments (the ADAAA). The ADAAA guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunication – including technology/internet access. The aim is to reduce barriers and create more open and equal access for all.

These mandates have promoted the development of disability support service programs in colleges and universities across the country. Institutions which receive federal financial assistance must be prepared to make appropriate academic adjustments and reasonable modifications to policies and practices in order to allow the full participation of students with disabilities in the same programs and activities available to non-disabled students. This applies to students with both permanent and temporary disabilities.

At SUNY Cobleskill, AccessABILITY Resources is the office which ensures that reasonable accommodations are put into place for students. Students desiring accommodations must provide documentation of their disability, and work with AccessABILITY Resources to develop an accommodation plan for each semester. This plan can be adjusted when new information is available. AccessABILITY Resources is located in the lower level of VanWagenen Library and may be reached by calling 518-255-5282 or 518-255-5870.

There is a grievance process for students who feel that their academic accommodations have not been honored. The grievance procedure can be found at: [https://www.cobleskill.edu/academics/educational-support-services/accessability-resources/grievance\\_procedures.aspx](https://www.cobleskill.edu/academics/educational-support-services/accessability-resources/grievance_procedures.aspx). In addition, students with disabilities have other rights regarding residence hall living, as protected under the Federal Fair Housing Act.

## **PERSONAL TRANSPORTATION POLICY**

- A. For the purpose of this Policy, personal transportation items include but are not limited to the following:
1. Bicycles
  2. Skateboards

3. Roller blades
4. Segways
5. Scooters
6. Hover boards
7. Any other wheeled device

**B. Prohibited Behavior:**

1. Persons using any means of transportation are strictly prohibited from engaging in tricks, loitering or seasoning of any sort (including but not limited to: sliding, grinding, spins or jumps) anywhere on College grounds.
2. Persons who utilize these means of transportation must maintain safe speeds at all times. At no point in time should person's speed exceed 10 miles per hour.
3. Persons using personal transportation must always give pedestrians the right of way and should not come within three feet of any pedestrian. Except for persons using transportation for a temporary or permanent disability, during heavy traffic persons using personal transportation must not pass pedestrians and will dismount and walk in heavy pedestrian traffic areas.
4. At no point in time shall any means of transportation be utilized outside of walkways (sidewalks) or the road.
5. Except for persons using transportation for a temporary or permanent disability, the use of any means of transportation inside campus buildings is strictly prohibited.
6. Except for persons using devices for a temporary or permanent disability, use of auditory limiting devices (such as earphones) is prohibited for anyone operating any means of transportation.

**C. Designated Dismount Zones:**

Except for persons using transportation for a temporary or permanent disability, a designated dismount zone is where personal transportation is prohibited. Dismount zones include areas of heavy foot traffic, academic areas, and designated safety concern areas such as poorly lit areas or where a steep incline/decline exists. When entering designated dismount zones, the person must dismount their transportation device and travel via foot through the end of the dismount zone. Designated dismount zones include the Academic Quad (Frisbee, Old Gym, Alumni Hall), entrance and common areas adjacent to all campus buildings, walkways that extend downhill from the Academic Quad through the High Rise Commons (Fake, Ten Eyck, Porter, Parsons, and Davis Hall), and the steep walkway traveling eastward downhill from the Dairy Barn.

**POSTING POLICY (updated 08.21.24)**

**Policy Statement**

It is the policy of the State University of New York (SUNY) to ensure that recognized student organizations, College programs, departments, and units that want to share information about upcoming events and activities are able to do so through various means of communication, including flyers and posters.

## **Rationale**

SUNY reserves the right to manage posting and advertising on its campuses in order to maintain an orderly and attractive venue, to make event information accessible to the campus community, and to ensure that events and programs that are advertised comply with institutional policies and procedures.

## **Applicability of the Policy**

This policy sets forth the requirements for all student organizations, College programs, departments, and units recognized by SUNY Cobleskill that wish to post items on campus general-use bulletin boards. This policy does not apply to bulletin boards that are reserved for specific departments, offices, or organizations whereby posting generally requires permission of that group. This policy does not apply to residence halls or other College-managed housing, which are governed by SUNY Cobleskill – please refer to the Housing License for more information.

For policy on entities and individuals who wish to use SUNY Cobleskill facilities for other than approved college-sponsored academic, administrative, and extra-curricular activities, please refer to Use of Facilities by Third Parties for Free Speech.

## **Procedures**

Announcements, letters, bulletins, posters, flyers, postcards, sandwich boards, etc., promoting or describing an event, meeting, program, etc., must clearly indicate the sponsoring group/organization and phone number or email address of a contact person, including who students may contact for reasonable accommodations.

Posted items are to be posted only on general-use bulletin boards identified for this purpose.

Prohibited posting activities include without limitation: posting of promotional flyers or leaflets on doors, windows, trees, light poles, vehicles, bus stops, indoor and outdoor walls and in elevators; promotion of events that advertise alcohol or drugs or any event that violates the law and/or the SUNY Cobleskill code of conduct; chalking of buildings, sidewalks, or roadways; any promotional material not endorsed by a student organization, College program, department and/or unit.

Postings may not be placed over current/valid postings of other organizations, and students are prohibited from removing or tearing down current/valid postings of other organizations. Multiple postings in the same location are prohibited.

Items posted that do not follow the policy guidelines will be removed. Repeated violations will result in a loss of posting privileges and possible disciplinary action.

## **Contacts**

Questions related to the daily operational interpretation of this policy should be directed to: Director of Student Leadership, Bouck Hall.

## Related Documents / Policies

### Use of Facilities by Third Parties for Free Speech

## RACIAL HARASSMENT POLICY

### Background

The Cobleskill campus community depends on trust and civility. A willingness to recognize the dignity and worth of each person at the college is essential to our mission. It is the responsibility of each person on campus to respect the personal dignity of others. Cobleskill celebrates the growing diversity of its community. Students, faculty and staff come to Cobleskill from many different backgrounds. Learning to understand the differences among us as well as the similarities is an important dimension of education, one that continues for a lifetime. Tolerance alone, however, is not enough. Respect and understanding are also needed. We should celebrate our differences, and should seek to appreciate the richness and personal growth which our diversity provides to us as members of this community.

The Cobleskill campus cannot accept discriminatory acts of racially based harassment and therefore has adopted the following policy concerning racial harassment.

### Purpose and Definition

#### a. Purpose

Racial harassment shall not be tolerated at Cobleskill, not only because it is reprehensible and discriminatory, but because it constitutes a form of conduct that seriously undermines the atmosphere of trust and mutual respect that is essential to an academic environment and a democratic society.

#### b. Definition

For the purpose of college policy, the term "racial harassment" refers to any behavior, verbal or physical, that stigmatizes or victimizes individuals on the basis of race, ethnic or national origin which includes:

1. Creating an intimidating or offensive academic living or work environment for the individual.
2. Interfering with an individual's academic or work performance.
3. Involving a stated or implicit threat to an individual's academic or employment status.
4. Using inappropriate or offensive language or behavior based on racial stereotypes. The College regards such behavior as a violation of the standards of conduct required of all persons associated with the institution and a violation of the Violence and Unacceptable Behavior Policy (see pg. 36). The prohibition against racial harassment applies to all interactions occurring on campus, in college facilities, or within the context of college related activities. It also applies to acts of retaliation against members of the community who have filed complaints under this policy.

In determining whether an act constitutes racial harassment, the totality of the circumstances that pertain to any given incident in its context must be carefully reviewed and due consideration

must be given to the protection of individual rights, freedom of speech, academic freedom, and advocacy.

### Resolution

Members of the campus community (faculty, staff, and students) who feel that they have been the victim of racial harassment have the following options available to them to facilitate resolution:

1. Mediation with a neutral third party.
2. File a charge of infraction or violation with the campus Conduct Board.
3. File a grievance with the campus Affirmative Action Officer (Knapp Hall, Room 123). This procedure, which may be used by any State University of New York student or employee, is in no way intended to supplant or duplicate any already existing grievance procedures, including the informal process presently in practice on many campuses.

This procedure does not deprive a complainant of the right to file with outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the Department of Education, and the Office of the Federal Contract Compliance of the Department of Labor.

### SOLICITATION/SELLING

The College reserves the right to approve or disapprove requests to provide or advertise services on the campus. Students and visitors must inquire regarding an application at the Center for Campus Engagement and Leadership (Bouck Hall). The College does not approve advertising involving sale or distribution of alcoholic beverages or credit cards. The Cobleskill Auxiliary Services, Inc. has the major responsibility for providing auxiliary services on the campus.

### TOBACCO USE POLICY

All members of the campus community, including visitors and guests, are required to comply with the SUNY Cobleskill Tobacco Use Policy. The Tobacco Use Policy defines tobacco use as smoking, the use of e-cigarettes, and/or the use of smokeless tobacco products. The policy states:

- Tobacco use is prohibited in all campus buildings and in college-owned vehicles.
- Tobacco use is permitted only in designated outdoor areas and campus parking lots, all of which are located at least 25 feet from campus buildings.
- Littering of cigarette butts, tobacco packing, and smokeless tobacco in parking lots or any area (indoor or outdoor) is prohibited.

The Tobacco Use Policy will be enforced by the entire campus community with an emphasis on education. All campus community members are expected to comply with the policy. Violations may be subject to disciplinary procedures consistent with applicable laws, rules, regulations and collective bargaining agreements.

### TRANSCRIPT NOTATION OF NON-ACADEMIC DISCIPLINARY ACTION

Introduction: Students who are found responsible and are suspended or dismissed for



serious violations of the Student Conduct Code may receive a transcript notation. The transcript notation may be permanent or it may be subject to petition for removal after the period of suspension, depending on the particular disciplinary action. Violations subject to the permanent transcript notation include, but are not restricted to, sexual assault, hazing, and conduct which lead to the death or serious physical injury to another person. Notations shall read “Dismissed, Disciplinary Reasons,” or “Suspended, Disciplinary Reasons.” If a student withdraws from the College while a disciplinary matter on such a topic is pending, a hold will be placed on the student’s record until adjudication of the disciplinary matter and a notation reading “Disciplinary Action Pending” will be placed on the transcript.

- A. **Dismissal:** When a student has been dismissed for serious violations of the Student Conduct Code, upon notification by the vice president for student development, the registrar will automatically place the notation "dismissed, disciplinary reasons" on the academic transcript. This notation will remain on the academic transcript permanently.
- B. **Suspension:** When a student has been suspended for serious violations of the Student Conduct Code, such as crimes of violence, upon notification by the Vice President for Student Development, or designee, the registrar will automatically place the notation "suspension, disciplinary reasons" on the academic transcript. This notation will remain on the academic transcript at least for the period of suspension. Suspension for hazing, crimes of violence, or other serious violations will permanently remain on the transcript. Others can petition to have the notation removed as follows:
  - Student is readmitted to SUNY Cobleskill: Upon completion of one academic year free of further disciplinary action, the student may make a written request to the Vice President for Student Development to have the transcript notation removed. The vice president for student development will notify the student in writing of his/her decision. The decision of the vice president for student Development may be appealed to the college president. The decision of the president is final.
  - Student does not return to SUNY Cobleskill: Upon conclusion of the suspension plus one full year, the student may make a written request to the Vice President for Student Development to have the transcript notation removed. The vice president for student development will notify the student in writing of his/her decision. The decision of the Vice President for Student Development may be appealed to the College President. The decision of the president is final. The Vice President for Student Development may have the transcript notation restored if the student becomes involved in any disciplinary incident on campus or in any criminal action connected with the College.
- C. **Notification:** This information will be communicated to the student at the time of the initial notification of suspension/dismissal.

- D. **Disciplinary Action Pending:** The director of student conduct will place a Banner hold on the record of students who may leave SUNY Cobleskill prior to the disposition of alleged violations. For more serious alleged policy violations, such as crimes of violence, the Director of Student Conduct will recommend to the Vice President for Student Development that a transcript notation of “disciplinary action pending” be placed on the academic transcript. At the request of the student, arrangements can be made to resolve the pending disciplinary action during his or her separation from the College. If such a request is not made, appropriate action will be taken upon the student's return to SUNY Cobleskill. The notation will remain on the transcript until appropriate disposition of the alleged violation has been made.

## VEHICLE REGISTRATION AND PARKING REGULATIONS

### Vehicle Registration

- A. Annual Registration is required of all students, faculty, and staff parking on university property.
- B. On-Line Registrations. All vehicles must be registered on-line through YOUR BANNER ACCOUNT at the SUNY Cobleskill website ([www.cobleskill.edu](http://www.cobleskill.edu)) prior to picking up the decal. All decals are issued at the University Police Department, which is located at Johnson Hall, from 8:30 am to 12:00 pm and from 1:00 pm to 4:00 pm Monday through Friday.
- C. Display of Decal. The decal must be displayed on the side window behind the operator, in the upper right corner with the number facing out.
- D. Temporary Permits. All vehicles parked on campus MUST display some type of permit. If the vehicle does not have a permanent sticker affixed, a temporary permit must be obtained at the University Police Department from 8:30 - 12:00 pm or from 1:00 to 4:00 pm Monday through Friday.
- E. Decals and Permits are not transferable from one vehicle to another and must be affixed with their own adhesive. If you change vehicles permanently during the time your permit is valid, a replacement is available at the University Police Department for a fee of \$3.00.
- F. A refund of the parking fee will be given upon request and proof of withdrawal from college during the first week of classes only.

### Parking Assignment

- A. Resident students must park only in areas which are assigned as follows:
  - 1. Residents of Wieting and Vroman Halls must park in the W-Lot.
  - 2. Residents of Davis and Parsons Halls must park in the P-Lot.
  - 3. Residents of Pearson, Draper, Dix, Fake and Ten Eyck Halls must park in the F-Lot.
  - 4. Residents of Alumni Commons must park in the A-Lot or P-Lot.
  - 5. If/when your assigned lot is full, you must park in the P-Lot.

- B. Commuter students must park in the Commuter/W Lot. If the Commuter/W Lot is full, these students must park in the P Lot. However, between 5:00 pm and 3:00 am vehicles with a “C” permit may park in any visitor or faculty/staff parking area (except the area reserved for admissions visitors).
- C. Temporarily disabled students may be issued a special two week only parking permit that allows parking in any legal parking area (except spaces reserved for the disabled as described below). Special permits are issued at the University Police Department and require a physician’s certification.
- D. In accordance with State Law, disabled parking spaces are reserved for vehicles displaying either disabled license plates, or a New York State Department of Motor Vehicles approved hang tag issued by a municipality.

### **Traffic & Parking Regulations**

- A. Laws in Effect. The Vehicle and Traffic Laws of the State of New York and the State University of New York traffic ordinances are in effect on University property.
- B. Speed Limit. The speed limit on campus property is 20 mph, unless otherwise posted.
- C. Accidents. Motor vehicle accidents on University property must be reported to the SUNY Cobleskill University Police Department, 518-255-5317.
- D. There is no parking at any time on campus roadways
- E. Parking anywhere on the grass is prohibited.
- F. Vehicles must park between painted lines.

### **Fines & Penalties**

- B. The person in whose name a vehicle is registered with the University is responsible for all traffic violations and is liable for all fines or disciplinary action.
- C. Fines: \$15 for first violation; \$20 for second; \$25 for all subsequent violations. All disabled violations are \$50.
- D. Violations should be paid at the Office of Student Accounts within ten (10) business days of issuance. Unpaid violations may be added to your semester bill and deducted from any refunds due. Violations remaining unpaid are submitted for collection where additional costs related to collection may be assessed.
- E. Vehicles parked in tow-away zones, disabled zones, or parked inappropriately as determined by the University Police, may be towed at the owner’s expense.
- F. Vehicles that have been issued five violations are subject to being towed for any and all additional violations.
- G. Three or more unanswered complaints in an 18-month period by the same person regarding violations of a campus parking rule, shall result in a referral to the New York State Commissioner of Motor Vehicles for review in considering the renewal of an operator's license and/or motor vehicle registration, and the imposition of a fee as approved by the campus president or designee, or by the Board of Trustees, as the case may be, to meet the administrative costs of such referral.

**Appeals**

- A. Parking violation appeals may be made by any person receiving a notice of violation within ten business days from the date of issuance. After this 10-day period, the right to appeal expires and all violation charges and/or expenses incurred become automatically due and payable.
- B. Appeals may be filed at the University Police Department in Johnson Hall. You must bring the ticket with you to file an appeal.

The college assumes no responsibility for the vehicle, its contents or for any situation resulting from bringing and operating the vehicle on campus. This includes any damage caused by towing a vehicle.

## STUDENT BILL OF RIGHTS

(updated by SGA February 2020)

SUNY Cobleskill students are a vibrant part of the campus community. In order to promote a successful student experience, the College supports students in the exercise of their civil rights and the free exchange of ideas. The SUNY Cobleskill Student Bill of Rights was created by students to foster such ideals via a model of shared governance.

### **Article I: Student Responsibility**

- SUNY Cobleskill students shall accept full responsibility for their own actions under federal, state, and local laws. They shall recognize the rule of law and expect no immunity because of student status.
- SUNY Cobleskill students are responsible for reading and understanding the Student Handbook and other relevant College and departmental policies. Students are responsible for understanding the classroom policies and grading procedures of courses in which they are enrolled.
- The College is neither arbiter nor enforcer of student morals. Social morality on campus, not in violation of law or College policies, is of no disciplinary concern to the College.

### **Article II: Student Government Association Responsibility**

- Our mission as the Student Government Association is to be the voice for our student body by assessing and enhancing the quality of student life, being visible servant leaders, promoting personal growth, and acting in the best interest of our peers.
- The overall purpose of SGA is to ensure a high-quality college experience for the student body, advocate for student needs, and oversee the distribution of and use of the student activity fee.
- SGA is a part of the campus shared governance process. Students have the right to participate in and express views on student related policies through a coordinated, representative student governance process.
- SGA will act in a supportive, welcoming, and inclusive manner.

### **Article III: College Responsibility**

- The College is responsible for transparency in its tuition and budgeting policies and practices.
- Consistent with the regulations of the Family Educational Rights and Privacy Act (FERPA), the College protects the confidentiality of student records, including grades.
- College policies and regulations shall be published and readily available to students.
- The College will investigate claims of harassment, discrimination, and inequitable treatment in accordance with SUNY Cobleskill Non-Discrimination policy.

- SUNY Cobleskill will make every effort possible to ensure that library and technological resources on campus are the best possible, given campus resources, and sufficient to meet the needs of students from all program areas.

#### **Article IV: Faculty & Staff Responsibilities**

- To ensure an effective learning environment, faculty and staff have the responsibility of responding to student inquiries, concerns, or requests for assistance in a timely and professional manner.
- Instructors should seek and incorporate formal and informal suggestions and feedback from students as per the academic policies and union agreement to maintain high academic standards and successfully achieve desired student learning outcomes.
- Instructors have the responsibility of providing classroom policies and grading procedures to students via course syllabi in timely fashion each term.

SUNY Cobleskill's facilities and functions are provided to serve students and to ensure a safe, healthy, and effective learning environment.

- Students have the right to thorough and accurate academic advising and may request a change of advisor assignment at any point without fear of disrespect or retribution. It is a student's responsibility to follow through on advice from academic advisors to ensure timely course enrollment, internship enrollment, and graduation.
- Students have the right to consult with faculty outside of the classroom during regularly scheduled office hours or by appointment.
- Students have a right to timely and professional responses from faculty and staff to student inquiries, concerns, or requests for assistance to ensure an effective learning environment.
- Students have the right to provide their instructors with formal and informal suggestions and feedback as per the academic policies and union agreement. The following is a link for a course evaluation that any student can fill out and send to the respective party:  
<https://www.cobleskill.edu/academics/assessment/course-evals.aspx#>
- Where possible and true to SUNY Cobleskill's mission, students have the right to applied, experiential learning opportunities regardless of their major or course of study.

#### **Article V: Free Inquiry, Expression, and Organization**

SUNY Cobleskill is an educational institution and, as such, affords the rights of free inquiry and expression to everyone.

- Freedom of expression and inquiry require responsibility on the parts of students and all campus constituencies to allow differences of opinion, to always work to protect the rights, safety, and property of others, and to contribute to the orderly functioning of the college.
- Students are free to take exception to views offered in courses and/or by College faculty, staff, and administrators without fear of disrespect or retribution.

- Students may lead and/or participate in demonstrations and/or open forums that do not disrupt classes and/or College activities, endanger the safety of individuals, or destroy property as per College Policy.
- Student organizations are free to bring to the College and/or sponsor guest speakers to address the campus community regarding any issue or discipline. Sponsorship of a speaker does not imply endorsement by the sponsoring group or the College. Students will follow the College's free speech policies.
- Any existing or future college student media outlets—radio, newspaper, video, web-based, etc.—shall remain free of censorship and prior view of copy. Editors and managers of student media are protected from arbitrary suspension and/or other punitive measures because of student, faculty, or administrative disapproval of editorial policy or content. However, responsible journalism standards are expected to be followed by College student media outlets.
- SUNY Cobleskill guarantees students the freedom to organize and join campus student clubs and organizations as long as these organizations are chartered according to procedures established by the College and the SGA.
- Practices deemed in breach of College/SGA policy for student organization formation and operation may result in being referred to the Conduct process.
- Affiliation with a non-college organization will not in and of itself disqualify a student member or an organization from institutional recognition and formation as a campus organization.

#### **Article VI: Freedom from Harassment and Access to Information**

Students have the right to be free from harassment and inequitable treatment for reasons of their race, gender, sexual orientation, ethnicity, national origin, religion, age, disability, marital status, and arrest and/or conviction record or any other protected classes. Further, in accordance with the Vietnam Era Veterans' Readjustment Assistance Acts, disabled and Vietnam Era veterans are ensured of non-discriminatory treatment.

SUNY Cobleskill students have the right to access College policies and regulations, which shall be published and readily available. Students have the obligation to familiarize themselves with these policies/regulations.

- Students have the right to information regarding the allocation of their tuition and student fee dollars to campus personnel, operating, and capital expenditures.

#### **Article VII: Living Environment**

SUNY Cobleskill's facilities and offices are provided to serve students and to ensure a safe, healthy and effective living environment.

- All students have the right to use campus facilities and services to further educational and community pursuits according to College policies and procedures
  - Access will be provided to career, professional, and internship development services and opportunities.

- Access will be provided to traditional academic tutoring services.
- CAS will strive to provide students with a wide variety of high quality, nutritious food options through its on-campus dining establishments.
  - Nutritious food includes that which would be deemed by health professionals as supporting a healthy lifestyle, healthy weight, and cognitive functions. Care will also be taken to provide, in a non-stigmatized fashion, options to students with special food needs including vegetarian, vegan, gluten-free, allergen-free and other diets.

### **Article VIII: Access to Due Process**

SUNY Cobleskill students have the right to due process as a component of ensuring safe, healthy, and effective learning and living environments.

- Students have the right to due process as outlined in the Student Handbook
- Students believing to have received unfair or discriminatory academic treatment by professors or instructors have the right to address such issues with the professor or instructor of concern without fear of disrespect or retribution.
  - For concerns regarding grading, refer to the guidelines in the academic policies
  - For concerns regarding unfair or discriminatory treatment, the student should address such issues with the professor or instructor of concern.
  - Students have the right to go to the Dean, Chair, and/or Provost to give informal feedback regarding a faculty member.
  - When resolution is not possible through such informal interaction with the faculty member, students have the right to formally lodge grievances in writing with the relevant department chair or school dean. During this time, a student who provides a written appeal may continue to attend class; pending there is no threat to safety.
- Discrimination complaints/concerns regarding faculty or staff must be reported to the Director of Human Resources and Affirmative Action (or designee).

### **Article IX: Honoring the Student Bill of Rights**

SUNY Cobleskill faculty, staff and students are expected to honor the Student Bill of Rights.

- Students not abiding by these principles will be addressed by following the policies and guidelines of the Student Handbook.
- Faculty and staff not abiding by these principles will be addressed by following the guidelines of the appropriate employee handbook, performance management system, union contract, and/or disciplinary process.

### **Article X: Operating Principles**

- All actions of the college and the students are governed by Federal, State, and local law and College policy, which supersedes any and all items contained in the Student Bill of Rights.



- Revisions that affect the Student Bill of Rights will be discussed through a shared governance model between the SGA, faculty, and staff.
- The Student Government Association is responsible for the Student Bill of Rights through a collaborative process.

## STUDENT CONDUCT

Students, like all citizens, are held accountable within the behavioral parameters of our society, as defined by local, state, and federal laws and statutes. Students are also held accountable for behavior as defined by the Student Conduct Codes of the College. Students are considered as persons taking courses at the College, both full-time and part-time, or those individuals who were students at the time of a violation of the Student Conduct Codes, as well as individuals on College or Cobleskill Auxiliary Services premises for any purpose related to registration for enrollment. Persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the College are considered students.

Students may be charged with behaviors which violate both campus Student Conduct Codes and the laws of the broader society; in such situations, the on-campus disciplinary hearing may be held while off-campus resolutions are still pending. Every effort is made to maintain the integrity and independence of the Student Conduct System. Each student is held accountable for her/his behavior under the conduct system of the College. Students are expected to be familiar with all College regulations and to abide by them at all times in order to maintain a fair, just, and safe College community environment.

These codes apply specifically to behavior on College-owned or -controlled property, on property and in facilities of the Cobleskill Auxiliary Services, and at college authorized functions off-campus. Certain Codes may apply to actions off-campus (in the Village of Cobleskill and/or on authorized field trips, for example) as noted, as the student's conduct may adversely affect the campus community or undermine the interests and/or mission of the institution.

SUNY Cobleskill recognizes that social media is an essential resource that students utilize to establish digital citizenship and is an important tool in building a supportive community. Although SUNY Cobleskill does not restrict student use of social media, any behavior that occurs via social media that violates the Student Conduct Code, regardless of electronic medium, is subject to Campus disciplinary action.

Any violation of the Student Conduct Code is strictly prohibited and may result in disciplinary action ranging from a warning letter to probation, suspension, or dismissal from the College. The conduct system is educational in nature and every effort is made to develop understanding and compliance with the College standards of conduct.

### **Description of the Student Conduct System**

The State University of New York has provided for each campus the opportunity and responsibility to establish regulations governing student conduct and behavior. Within the framework created by the State University the College Council shall promulgate or review and ratify regulations governing the conduct and behavior of students, subject to general guidelines established by the Chancellor, and in accordance with law and such other rules or policies as the trustees may from time to time establish. Authority for the administration of regulations at a

campus rests with the campus President (Chief Administrative Officer).

The Vice President for Student Development is designated by the President to administer the student conduct system. The responsibilities of the Vice President include the authority to designate a professional person as Director of Student Conduct whose responsibilities include training and supervision of Conduct Board members and Student Conduct Hearing Officers, communication with students and parents, and oversight and review of all cases.

Members of the faculty, staff, and student body participate meaningfully in the formulation and periodic review of these regulations in order that campus mission and specific objectives may be supported and accomplished.

**Prohibited Behavior:**

1. **Penal Law:** Any conviction of a violation of the Penal Law of the State of New York or the United States of America classified as a "felony," a "narcotic offense," a "sex offense," or a "weapons offense" committed on campus.
2. **False Alarm or Threat:** The turning in or making of a false fire alarm, bomb threat or tampering with fire alarm or other safety systems on property owned or controlled by the State University and/or Cobleskill Auxiliary Services.
3. **Tampering:** Tampering with or discharge of a fire extinguisher except in case of fire; tampering with or damage to College lights, lighting systems or any other facilities or equipment associated with health or safety.
4. **Forgery:** Forgery, alteration, or misuse of College documents, records, or identification and computer access infractions
  - a. Forgery, alteration, or misuse of College documents, records, or identification. This includes, but is not limited to, items such as forgery of faculty signatures on registration materials, the sale of term papers, theft of and/or unauthorized distribution of exams, plagiarism and other forms of academic dishonesty, theft/unauthorized use of telephone codes or other misuse/abuse of the telephone system, misuse of dining hall cards, parking stickers, or misrepresentation in the sale of textbooks.
  - b. Computer access infractions. This includes, but is not limited to, items contained in the Authorized Use of Campus Computing Resources Policy (Computer Resources Policy) or any abuse or misuse of College computer hardware, software, and/or network systems or components.
5. **Obstruction:** Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other College activities, including public service functions, or other authorized activities. This includes Violation of Policies of the VanWagenen Library. Behavior of individuals, individuals acting as part of a group, or of groups, particularly related to alcohol or other drugs that is detrimental to the learning

environment, reputation of the school, and/or resulting in death or injury. [Note: This may also apply to actions off- campus.]

6. **Assault:** Assault or attempted assault of any person on College-owned or -controlled property or at College- sponsored or supervised functions. [Note: This may also apply to actions off- campus.]
7. **Threatening or Endangering:** Conduct which threatens or endangers the health or safety of any person. [Note: This may also apply to actions off-campus.]
8. **Violation of Sexual Violence and Response Policy or Title IX Grievance Policy** (See [Complete Policy Statement](#)) [Note: This may also apply to actions off-campus. At the discretion of the College, persons accused of sexual misconduct may be immediately suspended on an interim basis or restricted from campus pending final disposition of any disciplinary proceedings if they pose a continuing threat to the health and safety of the community. Individuals found to be in violation of the Sexual Violence policy or Title IX Grievance policy in any way will be subject to sanctions, up to and including dismissal from the College.]
  - a. Sexual Assault- includes the offenses of nonconsensual sexual penetration, nonconsensual sexual touching, nonconsensual physical exposure of intimate body parts, intimidation or coercion to engage in sexual activity including but not limited to the use of alcohol or drugs.
  - b. Sexual Harassment- includes but is not limited to the offenses of nonverbal, verbal or physical harassment, sex and/or gender-based discrimination, sexual exploitation including but not limited to nonconsensual verbal, nonverbal or cyber communication of a sexual nature as well as nonconsensual photography, video or audio taping, posting of sexual activity or sexually explicit images
  - c. Relationship Violence – includes the offenses of Domestic Violence, Dating Violence and Stalking as those terms are defined in the SUNY Cobleskill Sexual Violence and Response Policy.
9. **Unauthorized Entry:** Unauthorized entry to or use of campus facilities.
10. **Disorderly conduct:** Any behavior which is inconsistent with expected norms given the time and place. [Note: This may also apply to actions off-campus.]
11. **Theft:** Theft or attempted theft of property or services of the College, a member of the College community or campus visitor; or possession of stolen property from any domain. [Note: This may also apply to actions off-campus.]
12. **Failure to Comply:** Failure to comply with the directions of College officials acting in the performance of their duties.
13. **False Statement:** Deliberate issuance of a false statement either orally or in writing to

College officials.

14. **Property Damage:** Deliberate or careless/unjustified damage to property of the College, a member of the campus community, or campus visitor. [Note: This may also apply to actions off-campus.]
15. **Hazing:** Failure to comply with the College policy on Hazing.(See [Complete Policy Statement](#))
16. **Drugs:** Non-prescribed narcotics and/or illicit/dangerous drugs.
  - a. Possession of, sale, distribution, use or involvement of any kind with non-prescribed narcotics and/or illicit/dangerous drugs.
  - b. In the presence of one or more persons who possess, sell, distribute, use or are involved in any way with non-prescribed narcotics and/or illicit/dangerous drugs.
17. **Possession** of drug-related paraphernalia and/or devices.
18. **Harassment:** Harassment is conduct that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual reasonable access to College resources or opportunities. [Note: This may also apply to actions off-campus]
  - a. Bias-related harassment – Any harassment that is based on race, color, age, religion, or national origin, disability, sexual orientation, gender identity or other protected characteristic that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution’s programs or activities.
  - b. Bullying or cyberbullying – Any harassment that is persistent, pervasive, or severe such as theft or destruction of personal property, public humiliation, intimidating or threatening behaviors.
  - c. Criminal harassment – Any harassment that is prohibited by law as defined by New York State law <http://ypdcrime.com/penal.law/article240.htm>
  - d. Retaliation – Directed against someone who filed a complaint or witness statement
19. **Privacy:** Recording of images or audio in a place where a person would have a reasonable expectation of privacy is prohibited.
20. **Alcohol Policy:** Alcohol policy violations:
  - a. Violation of the Campus Alcohol Policy
  - b. In the presence of one or more persons who violate the Campus Alcohol Policy.
21. **Weapons:** Possession and/or use of weapons or firearms (items, whether real or realistic, used to cause harm or threaten harm to people) of any kind, including, but not limited to: bows, arrows, archery equipment, air guns, pellet guns, dart guns, paintball guns, nerf guns, chukka sticks, ammunition, CO2 cartridges, laser pointers, fireworks,

firecrackers, explosives or dangerous chemicals of any kind. Note: This applies to possession on the person, in motor vehicles, in residence rooms, and/or in other areas/facilities of the College and/or Cobleskill Auxiliary Services.

Exemptions to this Policy are as follows:

The President, as the chief administrative officer of the Campus, and consistent with 8NYCRR Part 590, grants the following exceptions to the prohibition of Weapons on Campus:

- a. Military or law enforcement of the United States or the State of New York in pursuit of their official duties, as provided for under 8 NYCRR 590.1, SUNY Policy 5403.
- b. Possession of pepper spray as allowed under New Your State Penal Law Section 265.20(a)(14) and must follow New York State Codes, Rules and Regulations Section 54.3 Requirements.

22. **Terms and Conditions of Residence Hall:** General Infractions including, but not limited to, actions such as those contained in the [Student Housing License Agreement](#) pertaining to quiet hours, excessive noise at any time\*, possession of pets, guest policy, unapproved cooking devices, selling or soliciting, safety issues (such as climbing out windows, sitting on ledges, roofs), unsafe use of skateboards, bicycles or rollerblades (in-line skates), gambling, water fights, pranks, horseplay, unauthorized removal of common area furniture, propping open of locked doors, throwing or dropping objects from windows (especially garbage and/or recyclable materials), littering, throwing snowballs or other objects in the vicinity of residence halls, use of water beds, abuse of the telecommunications system, and failure to comply with the campus smoking policy.

\*Note: Stereos, radios, and computers are to be kept at a low volume at all times. Noise, including music, should not be heard beyond a closed room door or window during Quiet Hours. Violations may result in loss of use of the stereo or other equipment. The excessive noise infraction includes car stereos.

### **Rights of Respondents and Reporting Individuals for Sexual Violence Policy Violations**

Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct;
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal

and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.

- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College).
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanctions.
- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- Director of Student Conduct, 518-255-5229, Fake Hall 107
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final

determination unless otherwise required by law.

### **Faculty-Student Conduct Board(s)**

Faculty members are appointed to the Faculty-Student Conduct Board(s). Note that “faculty” in this context refers to both teaching and non-teaching faculty (professional staff) as well as classified staff.

Students are also appointed as Conduct Board members. Both full-time members and alternates are named, trained, and prepared to serve within the student conduct system. Students named to this responsibility shall have and maintain good academic standing and shall usually have reached their third semester of study. Unscheduled student vacancies may be filled by the Vice President for Student Development, in consultation with the Director of Student Conduct. During the early part of the semester, Examination Week, and other such times when campus groups are not fully functional, the Vice President for Student Development will charge such groups (administrative boards) or hearing officers as necessary to maintain the integrity of the student conduct system.

In exceptional cases, the Vice President may serve as or designate a faculty member as a hearing officer who shall have the same responsibility as a hearing board.

Cases pending at the end of the fall semester will be processed as early in the Spring semester as is practicable. Cases pending at the end of the Spring semester will be processed in early summer. With certain serious cases pending at the time of a student withdrawal, the student will be prohibited from returning to the campus until the case is resolved. Written requests to return to the campus may be submitted to the Vice President for Student Development after three years away from the college.

A student who is alleged to have had a violation and who is a graduating senior will be ineligible to graduate until conduct action on the case has been completed and eligibility to graduate is confirmed. If the conduct action results in suspension, the student will be subject to being ineligible to graduate until the term of suspension has been served. Campus conduct action for an alleged violation of the Student Conduct Code will not be delayed due to the pending nature of any related criminal charge(s).

### **Filing Charges**

Any member of the campus community may file allegations against a student under the STUDENT CONDUCT CODES. Allegations must be filed in writing within 14 days of the event, with the Director of Student Conduct, Fake Hall, dated and signed, using the correct form. The 14-day time period does not apply to allegations of sexual violence including rape, fondling, incest, sexual exploitation, statutory rape, dating or domestic violence, and stalking

Consultation regarding the filing of an allegation is available and suggested from members of the Residential Life staff, University Police, and the Office of the Vice President for Student Development. Final determination will be made by the Director of Student Conduct regarding whether an allegation meets the scope and definitions of the conduct code and will be processed



by the student conduct system.

All students involved in the conduct process are presumed not responsible until determined responsible. Responsibility is determined either by an admission of responsibility or by the presentation of information and evidence before a Conduct Board or other hearing body. The Conduct Board or other hearing body will use a commonsense application of the information and evidence before it in determining if the student is responsible or not responsible for the violation(s). If the filing of an allegation will be delayed beyond the 14-day period, the Director of Student Conduct should be notified as soon as possible to determine if an extension may be permitted.

### **Due Notice of Allegations**

All students involved in the conduct process will receive email notification at least 48 hours prior to the scheduled hearing. The notification will include a letter of summons to appear before the Conduct Board at a specific date, time and place; a copy of the allegation statement, the specific code of conduct provisions alleged to have been violated, possible sanctions, and a copy of information designed to assist the student in preparation for the conduct hearing.

### **Waiver of Hearing**

A student alleged to have violated a Student Conduct Code may request his/her hearing be waived and have the allegation reviewed by the Director of Student Conduct or designee during a Conduct Review Meeting. By making such a request, the student stipulates a plea of "responsible" to allegation(s) and requests a review of behavioral expectations which may include disciplinary sanctions. The Director of Student Conduct may approve or disapprove a request to waive a conduct hearing.

### **Advisor**

All students involved in the conduct process have the right to seek assistance from a member of the full-time faculty or professional staff if she/he so desires. This advisor may attend the hearing and/or appeal with the student but may not speak for (in place of) the student or otherwise participate in the process. A full-time student at SUNY Cobleskill may also serve as advisor. Each student may have only one individual serving as advisor.

Individuals external to the campus may not participate or be present at the conduct board hearing/process except as authorized by the Director of Student Conduct.

### **How Parties Can Review the Case File/Evidence**

In student disciplinary proceedings involving sexual violence including rape, fondling, incest, sexual exploitation, statutory rape, dating or domestic violence, and stalking, SUNY Cobleskill will allow parties to review available evidence held by the campus in accordance with college/university policy. Parties can also present available evidence as appropriate under campus policies.

### **Witnesses**

All students involved in the conduct process have the right to bring witness(es) to the event to

speak on his/her behalf and/or to present pertinent evidence. Students charged have the right to question witnesses and the person bringing the allegations via questions presented to the Board for consideration. Hearing boards may limit the testimony of witnesses whose contributions are merely repetitious of previously entered testimony. Students needing assistance in summoning witnesses to appear may request assistance at the Office of the Director of Student Conduct.

### **Continuance**

Each party to a case may request and be granted one continuance (delay) of up to five class days.

### **Hearing Attendees**

Only those individuals directly involved with the hearing, University Police, and/or those who are permitted to present testimony and the counsel/advisor are allowed to be present.

### **The Context of the Hearing**

College conduct hearings are not legal trials. There is the need to make every effort to sort out facts, to establish a positive educational tone, and to make certain that fairness to all persons involved is paramount. Courtesy and civil treatment is expected on the part of all concerned. Improvement of the campus climate and advancing the comfort and mutual understanding of all concerned are desired outcomes of the process.

### **Standard of Judgments**

A preponderance of the evidence will be the standard of proof utilized to determine whether it is more likely than not that the alleged violation occurred.

### **Hearing Procedures**

Each conduct hearing will follow the same procedure:

1. the hearing is called to order by the Hearing Facilitator (who is responsible for implementation of the hearing procedures and for maintaining the tone of educational civility in the room);
2. the allegations involving the responding student are read;
3. the Hearing Facilitator asks the responding student charged to make her/his plea (responsible or not responsible);
4. the person making the allegation presents the case, which may include the presentation and/or testimony of witnesses;
5. the responding student presents his/her case, which may include the presentation/testimony of witnesses [the responding student is not required to present a case, but is aware that the board will make its determination based on the information presented];
6. the members of the hearing board may question all those presenting information at any point during the hearing;
7. the responding student may question witnesses and the person bringing the allegation via the hearing board;
8. the Hearing Facilitator asks everyone to leave the room while the hearing board consults privately;

in cases of sexual violence including rape, fondling, incest, sexual exploitation, statutory rape, dating or domestic violence, and stalking, the Hearing Facilitator may permit a victim or the accused to provide an impact statement to the hearing board;

9. deliberations determine a status of responsible or not responsible for each charge. If found responsible, the conduct board then determines, in consideration of the violation and previous conduct history, an appropriate sanction.
10. the Hearing Facilitator calls the responding student and the person making the allegations back in, reports and explains the outcome of the hearing and expectations for future behavior; states further steps (including the possibility of appeal, if warranted); and adjourns the hearing.

Personal belongings, other than files or other items pertinent to the hearing, will not be allowed to be brought into the hearing room by any student charged or advisor.

A general record of the proceedings is maintained; however, a legal transcript is not necessary. An audio recording of the proceedings may be taken by the College. No other recording of the proceeding is permitted. In the event of unforeseen circumstances, written notes will be taken by the hearing board in lieu of an audio recording. The written outcome of the hearing is provided for all involved, after review and approval/modification by the Vice President for Student Development or designee. The audio recording made by the College may be reviewed (heard) by the responding student or the person who filed the allegations in the office of the Director of Student Conduct. A transcript of the hearing, when requested, can be made in the office of the Director of Student Conduct by a certified or licensed transcriptionist approved by the college and contracted and paid by the student to provide such a service.

#### **Failure to Attend a Conduct Hearing**

A student who does not attend his/her scheduled conduct hearing will be subject to having the case adjudicated in his/her absence. The decision reached by the hearing body will be based on the testimony and/or evidence presented at the hearing. Requests for rescheduling hearings will only be considered for extenuating circumstances as determined by the Director of Student Conduct.

#### **Modifications to Paperwork**

The College reserves the right to make editorial and other modifications to disciplinary paperwork when it has been determined that an error must be corrected to have the written documentation correspond with the facts of the case before the hearing body. Such changes may include, but not be limited to, items like “pm” to “am” or modifying the Student Conduct Code to a more appropriate parallel or lesser Code. An increase in severity of Student Conduct Code allegedly violated will be accomplished, if necessary, through the filing of a new Allegation of Student Conduct Code Violation form.

#### **Outcomes (Sanctions)**

The potential Disciplinary Sanctions include, but are not limited to, the following:

REPRIMAND AND WARNING - an official, written notification of a violation and

expected future compliance with the College Student Conduct Codes;

**LOSS OF PRIVILEGE(S)** – prohibition from some privileged activity (e.g. ability to self-select campus housing, study abroad, participate in internship, and so on) for a specified period of time.

**DISCIPLINARY PROBATION** - an official, written notification of violation(s) which require improvement in behavior; probationary status means that any future violations will be viewed as more serious and could lead to Residence Relocation, Residence Banning, or College Suspension;

**RESIDENCE HALL RELOCATION** - the student is relocated to another on-campus assignment at the discretion of the Assistant Vice President for Student Development; Residence Hall Relocation automatically carries with it official Banning from the hall from which the student is being removed for disciplinary reasons.

**RESIDENCE HALL DISMISSAL** - means that the student's privilege to live on campus is revoked; Residence Hall Dismissal automatically carries with it additional sanctions of Disciplinary Probation and Residence Hall Banning for a stated period of time to be established by the hearing officer or board. Note: Students removed from residence halls for disciplinary reasons will not receive a refund of room rental paid for occupancy in that semester;

**RESIDENCE HALL BANNING** - requires that a student be removed from a specified area (or areas) for a stated period; the student is directed not to be present in those areas until further notice; violation may cause further disciplinary action and may subject the student to arrest;

**RESTITUTION** - requires that the student will repay or pay a stated amount or repair or replace either goods or services to the satisfaction of the Vice President for Student Development or designee;

**COMMUNITY SERVICE** - an assignment to an office or person to contribute to a community service activity for a stated number of hours or project completion;

**WORK DETAIL** - an assignment to an office or person to perform a specific function for a stated number of hours or project completion;

**COUNSELING INTERVENTION** – requires the student to engage with a Wellness Center or other counseling professional for one session on a topic specified during the discipline hearing (e.g. anger management, alcohol or other substance use/abuse, dealing with authority, and so on);

**COLLEGE SUSPENSION HELD IN ABEYANCE** – defers a College Suspension sanction based on clarified behavior expectations as noted in the conduct process outcome letter. Violation of the expectations will result in immediate suspension;

COLLEGE SUSPENSION (for stated period of time) - removes a student from access to classes, activities, residence halls and the other premises of the College; the student is directed to leave the campus and not return until expressly permitted by the Vice President for Student Development or designee. Note: Students suspended for disciplinary reasons will not receive a refund of room, board or tuition paid for that semester;

COLLEGE DISMISSAL (No possibility of return) - removes a student from access to classes, activities, residence halls and the other premises of the College; the student is directed to leave the campus and not return. Note: Students dismissed for disciplinary reasons will not receive a refund of room, board or tuition paid for that semester;

TRANSCRIPT NOTATION – places a notation, either permanently or subject to petition for removal after the period of suspension, when students are suspended or dismissed for serious violations including but not limited to crimes of violence, sexual assault, hazing, and conduct which lead to the death or serious physical injury of another person. (See policy statement on Transcript Notation of Non-Academic Disciplinary Action.)

### **Appeals**

Conduct board outcomes relating to violations of the Sexual Violence Prevention and Response Policy, and Conduct Board outcomes of Residence Hall Dismissal, College Suspension or College Dismissal may be appealed within three business days of hearing outcome by filing a typed appeal statement of no more than 5,000 words, with justification, to the Office of the Vice President for Student Development. Minor deviations from the hearing process do not constitute acceptable reasons to rehear a case.

Appeal requests which, after review, are determined to be related to cases of violation of the Sexual Violence Prevention and Response Policy or for all other cases, are asserting one or more of the following:

- a disproportionate sanction
- new information not available at the time of the hearing
- procedural error

will move forward to an appeals board or college conduct board, as appropriate. The appropriate hearing process is scheduled, held, and the outcome is transmitted to the student after review and action to approve or modify by the Vice President for Student Development. The Vice President for Student Development's (or designee) decision is final.

### **Temporary Suspension from the College**

(updated Fall 2022)

Upon receipt of a credible allegation of Student Code of Conduct violation(s), the Vice President for Student Development, or designee, may temporarily suspend a student when:

- the continued on-campus presence of such a student would constitute a danger to the student or to the safety of persons or property on the premises of the institution, and/or

- the continued on-campus presence of such a student would pose a threat of disruptive interference with the normal conduct of the institution's activities and functions, and/or
- The seriousness of the charges warrants such action.

The suspension is temporary and immediate, removing access to classes, activities, residence halls, and all other premises owned by the College pending the resolution of the conduct process. Students under temporary suspension must have written permission from the Vice President for Student Development, or designee, to have access to the campus.

### **Responsibilities of the Full-Time Residential Life Professional Staff**

Responsibilities of the Residence Hall Director and other full-time Residential Life staff include enforcement of College policies through educational and problem-solving approaches involving residents. Residence Hall Directors are authorized to conduct administrative reviews of allegations involving the Student Conduct Codes: Such reviews by Residential Life professional staff shall follow general rules of procedural fairness; however, such reviews need not conform to the strict procedures to be followed by the conduct boards. Rather, every attempt will be made to establish the facts of the matter and to educate regarding College rules and regulations and the need for these rules and regulations to promote a safe and civil College environment for all persons. Each such review must be documented in writing with a brief summary and an appropriate outcome sanction.

### **Disciplinary Records**

Disciplinary files are maintained under the purview of the office of the Vice President for Student Development. Every effort is made to safeguard the privacy of students who are involved with alleged violations of the Student Conduct Codes.

Disciplinary records fall within safeguards established by the Family Educational Rights and Privacy Act (Buckley Amendment). Information regarding outcomes (sanctions) is shared on only a "need-to-know" basis in order to ensure a campus environment of safety and civility. Disciplinary records may be shared with Faculty and staff where the conduct alleged is directly relevant to the student's eligibility to remain in good standing in his/her field of study or sport. The Director of Student Conduct prepares and releases periodic reports regarding the work of the conduct system, including summary data involving the numbers and types of cases referred/heard and levels of outcomes (sanctions) and appeals. Personally identifiable information is not included in these reports. Students may request and be granted supervised access to review their own disciplinary records.

### **Parent/Guardian Information**

In substance-related situations, parents/guardians of dependent students may receive notification of student conduct outcomes. The College shares this information with the goal that parents/guardians will engage the student in a conversation about the behavior and provide positive guidance for future decision making and improved behavior.

## TITLE IX GRIEVANCE PROCEDURE

### **Title IX Grievance Policy**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, SUNY Cobleskill will implement the following Title IX Grievance Policy, effective January 9, 2025.

### **How does the Title IX Grievance Policy impact other campus disciplinary policies?**

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, SUNY Cobleskill must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

SUNY Cobleskill remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

- A [Sexual Violence and Response Policy](#) that defines certain behavior as a violation of campus policy, including Sexual Assault, Sexual Violence and Relationship Violence.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or

misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and manage the allegations

under the appropriate policies and procedures defined by the College, with respect to the appropriate bargaining unit agreements, as appropriate.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

### **How does the Title IX Grievance Policy impact the handling of complaints?**

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

### **General Rules of Application**

#### **Effective Date**

This Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the Title IX Grievance Policy if a case is not complete by that date.

#### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Code of Conduct.

#### **Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably



provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

## **Definitions**

### **Covered Sexual Harassment**

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of

the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.

5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York State domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York State.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to--
  - (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Sexual Harassment Response and Prevention Policy.

## **Consent**

For the purposes of this Title IX Grievance Policy, “consent” means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression. For the full definition, please review our [Sexual Violence Prevention and Response Policy](#).

## **Education Program or Activity**

For the purposes of this Title IX Grievance Policy, SUNY Cobleskill’s “education program or activity” includes:

- Any on-campus premises
- Any off-campus premises that SUNY Cobleskill has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of SUNY Cobleskill’s programs and activities over which SUNY Cobleskill has substantial control.

## **Formal Complaint**

For the purposes of this Title IX Grievance Policy, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator or University Police Department, alleging sexual harassment against a respondent about conduct within SUNY Cobleskill’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

## **Complainant**

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

## **Relevant evidence and questions**

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
  - o They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - o They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.

## **Respondent**

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

## **Privacy vs. Confidentiality**

References made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean SUNY Cobleskill offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. SUNY Cobleskill will limit the disclosure as much as practicable, even if the Title IX Coordinator or designee determines that the request for confidentiality cannot be honored.

## **Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the

Rehabilitation Act of 1973.

Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **Making a Report Regarding Covered Sexual Harassment to the Institution**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or Deputy Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Name: Mary Elhakam

Title: Title IX Coordinator

Office Address: Knapp Hall Room 143

Email Address: [elhakam@cobleskill.edu](mailto:elhakam@cobleskill.edu)

Telephone Number: 518-255-5999

Contact Information for the Deputy Title IX Coordinators:

Name: Jillian Basile

Title: Director of Student Conduct/ Deputy Title IX Coordinator

Office Address: Fake Hall Room

107 Email Address:

[basilejl@cobleskill.edu](mailto:basilejl@cobleskill.edu)

Telephone Number: 518-255-5229

Name: Nicole Field

Title: Director of Personnel & Affirmative Action Ethics Officer/

Deputy Title IX Coordinator

Office Address: Knapp Hall Room 123

Email Address: [fieldnm@cobleskill.edu](mailto:fieldnm@cobleskill.edu)

Telephone Number: 518-255-5514

Such a report may be made at any time (including during non-business hours) by using the telephone numbers or electronic mail addresses, or by mail to the office addresses listed above.

### **Confidential Reporting**

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator
- Deputy Title IX Coordinator
- Residence Hall Directors
- Faculty/Staff
- University Police
- Athletics Staff

The following Officials may provide confidentiality:

- Wellness Center Staff

### **Non-Investigatory Measures Available Under the Title IX Grievance Policy**

#### **Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from SUNY Cobleskill regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive.

As appropriate, supportive measures may include, but not be limited to:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

#### **Emergency Removal/ Temporary Suspension**

SUNY Cobleskill retains the authority to remove a respondent from SUNY

Cobleskill's program or activity on an emergency basis, where SUNY Cobleskill (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any individual arising from the allegations of covered sexual harassment justifies a removal.

If SUNY Cobleskill determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The President or designee has the authority to temporarily suspend a student (or students) if, in the opinion of the President or designee, the student's continued presence poses an appreciable risk to the campus community and/or a serious and imminent threat to a person's health or safety.

Student's temporarily suspended can request a review meeting with the President or designee to challenge/review the propriety of the temporary suspension. This temporary suspension will extend for no more than five class days and will end either with a proper service of conduct charges and announcement that a conduct hearing has been established and will be conducted or the announcement that a determination has been made not to serve conduct charges for the behavior which led to the temporary suspension. Upon reentry to the campus the student must first meet with the President or designee to discuss the circumstances for the temporary suspension and/or conduct procedures/processes, and/or behavior and academic expectations/requirements and/or campus support services available to the student.

### **Administrative Leave**

SUNY Cobleskill retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with Employee Handbooks and Bargaining Unit Agreements.

## **The Title IX Grievance Process**

### **Filing a Formal Complaint**

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) school/calendar/business days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or

accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of SUNY Cobleskill, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the [Sexual Harassment Response and Prevention Policy](#).

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. SUNY Cobleskill will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### **Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

### **Determining Jurisdiction**

The Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in SUNY Cobleskill's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, SUNY Cobleskill will investigate the allegations according to the Grievance Process.

### **Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all the allegations.

### **Mandatory Dismissal**

If any one of these jurisdiction elements are not met, the Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

### **Discretionary Dismissal**

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by SUNY Cobleskill; or,
- If specific circumstances prevent SUNY Cobleskill from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

### **Notice of Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

### **Notice of Removal**

Upon dismissal for the purposes of Title IX, SUNY Cobleskill retains discretion to utilize the [Sexual Harassment Response and Prevention Policy](#) to determine if a violation of the policy has occurred. If so, SUNY Cobleskill will promptly send written notice of the dismissal of the



Formal Complaint under the Title IX Grievance Process and move the allegations to the disciplinary process.

### **Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

### **Contents of Notice**

The Notice of Allegations will include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source.

### **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

### **Advisor of Choice and Participation of Advisor of Choice**

SUNY Cobleskill will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

SUNY Cobleskill has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of SUNY Cobleskill.

SUNY Cobleskill will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

SUNY Cobleskill's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and SUNY Cobleskill cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. SUNY Cobleskill will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by SUNY Cobleskill.

### **Notice of Meetings and Interviews**

SUNY Cobleskill will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings,

investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

### **Delays**

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator or Deputy Title IX Coordinator shall have sole judgment to grant further pauses in the Process.

### **Investigation**

#### **General Rules of Investigations**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator, usually University Police, will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

SUNY Cobleskill and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from SUNY Cobleskill and does not indicate responsibility.

SUNY Cobleskill cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. SUNY Cobleskill will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

### **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal

opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

The parties and their advisors agree not to photograph or otherwise copy the evidence.

#### **Inclusion of Evidence Not Directly Related to the Allegations**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any.

#### **Investigative Report**

The Title IX Coordinator, Deputy Title IX Coordinator and/or an designated investigator, usually University Police, will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the parties at least ten (10) business days prior the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

## **Hearing**

### **General Rules of Hearings**

SUNY Cobleskill will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at SUNY Cobleskill's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through remote video conferencing. This technology will enable participants simultaneously to see and hear each other. At its discretion, SUNY Cobleskill may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording. That recording or transcript will be made available to the parties for inspection and review.

Please note: Title IX hearings are not civil or criminal proceedings, and are not designed to mimic formal trial proceedings.

### **Continuances or Granting Extensions**

SUNY Cobleskill may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, SUNY Cobleskill will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Participants in the live hearing**

Live hearings are not public, and the only individuals permitted to participate in the

hearing are as follows:

*Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party.
  - For example, A verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint.
- SUNY Cobleskill will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.

*The Decision-maker*

- The hearing body will consist of a panel of three (3) decision makers.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

*Advisor of choice*

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.

- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, SUNY Cobleskill will provide an advisor to appear on behalf of the non-appearing party.

#### *Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

#### *Hearing Facilitator*

- The Hearing Facilitator conducts the hearing and ensures positive conduct throughout the hearing.
- The Hearing Facilitator is not a decision maker.
- The Hearing Facilitator will determine relevance of questions per the Relevance Policy.

### **Hearing Procedures**

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The Hearing Facilitator will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- The hearing body will ask questions of the Parties and Witnesses;

- Parties will be given the opportunity for live cross-examination after hearing body conducts its initial round of questioning; During the Parties' cross-examination, the hearing body will have the authority to pause cross-examination at any time for the purposes of asking the hearing body's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing body. A Party's waiver of cross-examination does not eliminate the ability of the hearing body to use statements made by the Party.

### **Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and

witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Hearing Facilitator will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Facilitator may be deemed irrelevant if they have been asked and answered.

If the respondent, reporting individual or witness fails to answer a question posed by any party and deemed relevant and appropriate by the decision maker, all testimony and evidence presented by that person will be null and void and therefore not considered by the decision maker

### **Rules of Decorum**

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

- Questions must be conveyed in a neutral tone.
- Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
- While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
- Parties and advisors may not yell, scream, badger, or physically "lean in" to a



party or witness's personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Facilitator.

- The advisor may not use profanity or make irrelevant attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
- The advisor may not ask repetitive questions. This includes questions that have already been asked by the decision-maker, the advisor in cross-examination, or the party or advisor in direct testimony. When the Hearing Facilitator determines a question has been "asked and answered" or is otherwise not relevant, the advisor must move on.
- Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

If any party repeatedly disrupts a hearing, (by shouting, repeatedly interrupting others, or verbally or physically threatening individuals involved in the hearing,) the Hearing Facilitator has the right to remove the disruptive individual from the hearing after they fail to heed a warning from the Hearing Facilitator. The hearing shall continue in the absence of any removed disruptive party. If the removed party is an advisor, an advisor will be provided. This may cause a delay in the hearing proceedings.

### **Failure to Attend**

- If the respondent fails to attend a scheduled hearing or leaves the hearing before it is adjourned, the hearing will be held in the respondent's absence, and the respondent will be assumed to have entered a plea of "Not Responsible" to each allegation but forfeited their ability to present information on their behalf or have any evidence presented by them to the investigator considered. Findings and sanctions, if applicable, will be based on the evidence presented and not upon the respondent's failure to appear. If the Hearing Facilitator learns that the respondent's failure to appear is for good cause, the Hearing Facilitator may grant a new hearing. Otherwise, the decision of the hearing shall stand.
- If the reporting individual fails to attend a scheduled hearing or leaves the hearing before it is adjourned, the hearing will be held in the individual's absence. The reporting individual will forfeit their ability to present information on their behalf or have any evidence presented by them to the investigator considered. Findings and sanctions, if applicable, will be based on the evidence presented and not upon the reporting individual's failure to appear. If the Hearing Facilitator learns that the individual's failure to appear is for good cause, the Hearing Facilitator may grant a new hearing. Otherwise, the decision of the hearing shall stand.
- If an advisor fails to appear, or the respondent or reporting individual fails to

bring an advisor, an advisor will be provided for the purpose of cross examination. The reporting individual nor the respondent may decline or object to the advisor. The performance of the advisor in the hearing shall not constitute grounds for appeal.

### **Review of Audio Recording**

The audio recording of the hearing will be available for review by the parties within five business days unless there are any extenuating circumstances. The audio recording of the hearing will not be provided to parties or advisors of choice.

### **Determination Regarding Responsibility**

#### **Standard of Proof**

SUNY Cobleskill uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the hearing body.

The hearing body shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

The hearing body will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of

specific facts that occurred.

The Final Rule requires that SUNY Cobleskill allow parties to call “expert witnesses” for direct and cross examination. SUNY Cobleskill does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the hearing body will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that SUNY Cobleskill allow parties to call character witnesses to testify. SUNY Cobleskill does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the hearing body will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that SUNY Cobleskill admit and allow testimony regarding polygraph tests (“lie detector tests”) and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the hearing body will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the hearing body may draw an adverse inference as to that party or witness’ credibility.

### **Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Code of Conduct, if any, the respondent has or has not violated.
5. For each allegation:

- a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

### **Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by SUNY Cobleskill within ten business days of the completion of the hearing.

### **Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### **Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within three business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, Deputy Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- Severity of sanctions.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than five pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and single- spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by the Vice President of Student Development who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator or designee, or hearing decision maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

### **Retaliation**

SUNY Cobleskill will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering

with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.

Complaints alleging retaliation may be filed according to the [Complaint Procedure for the Review of Allegations of Unlawful Discrimination](#).