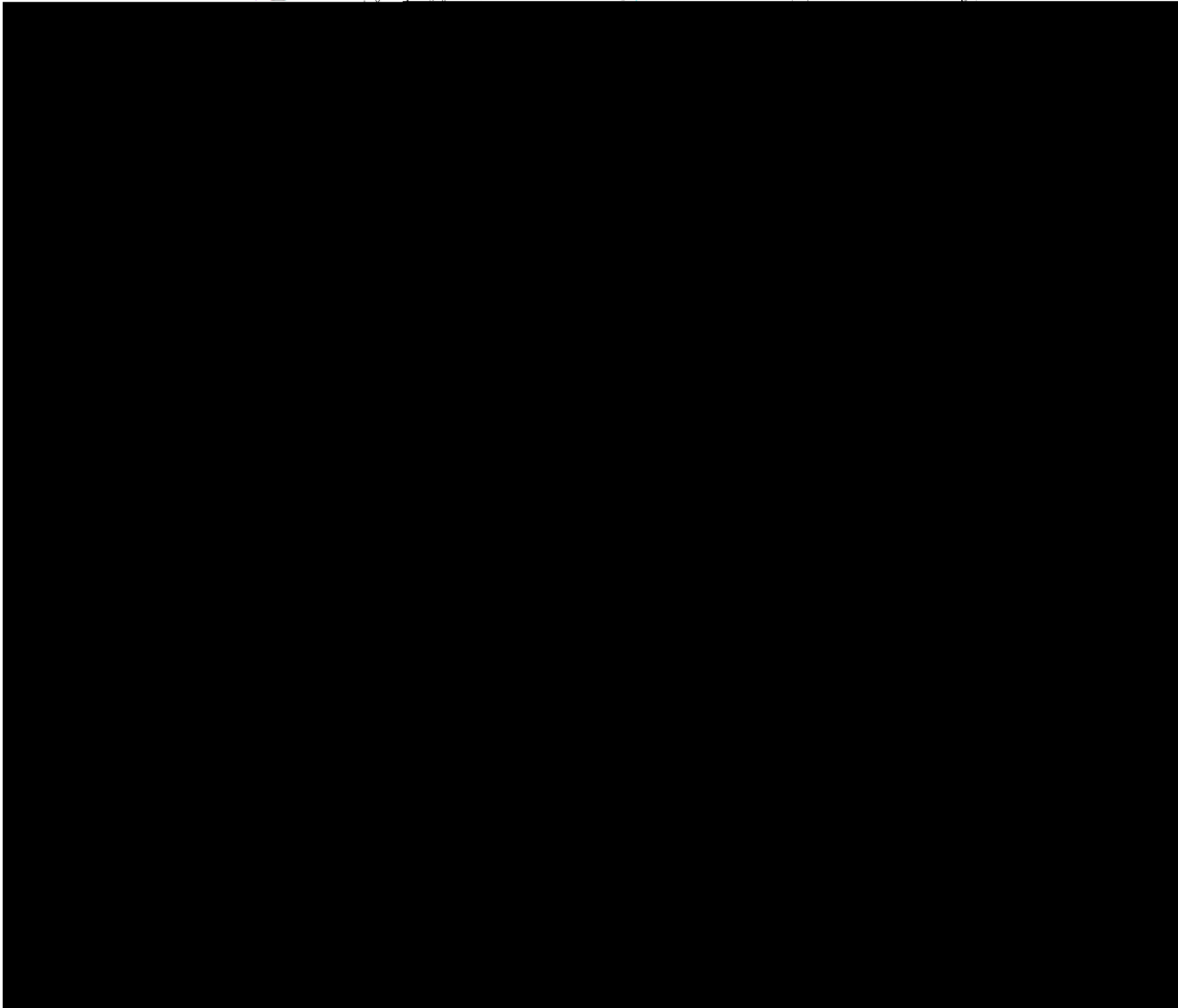


2023-2024



STANDARDS OF STUDENT CONDUCT
Processes and Policies
Effective Date: August 2023

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Violations of our University Vision and Values Those whose behavior violates our University Meliora Values and our Student Code of Conduct will be subject to discipline as set forth in the Student Code of Conduct. We recognize that not all behavior that violates our University Meliora Values will also violate our Student Code of Conduct because in many cases, such behavior may otherwise be protected speech or conduct deserving a response that is not disciplinary. In those cases, we will support those who are harmed and educate those who cause that harm. More generally we will seek to make our community one in which all members can identify, comprehend and avoid bias,

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to minimize the spread of COVID-19. Policies are subject to change at any time as the pandemic changes and public health recommendations are revised. Any student found in violation of a COVID-19 related policy or other restrictions may be referred to the conduct process.

DIVISION OF JURISDICTION AND RESPONSIBILITY

- A. Authority to hold students and organizations accountable through the conduct system is vested in the president of the University by the University's bylaws. This authority has been delegated through the dean of the college and dean of students to the Assistant Dean of Students and Director of the Center for Student Conflict Management, also referred to as the judicial officer, in the Office of the Dean of Students for all non-academic conduct incidents involving both undergraduate and graduate students. The judicial officer may designate another staff member to perform the duties of the judicial officer at any time. (Throughout this document the term "judicial officer" should be interpreted to mean judicial officer or designee.) The judicial officer may delegate the responsibility of adjudicating non-academic conduct incidents to conduct officers or hearing boards. These conduct officers/hearing boards determine whether an alleged violation of the standards of the University community occurred by the preponderance of the evidence. If the officer/board finds that a violation did occur it further

- x Administrative Conduct Officer: An administrative conduct officer may conduct disciplinary hearings without a board or council by use of the responsible position, explained below. Administrative conduct officers are designated by the Judicial Officer and are authorized to issue the full range of University responses.
- x All Campus Judicial Council: The ACJC is for undergraduate student cases within The College only and is made up of student justices including a chief and deputy chief. ACJC works in conjunction with, and is supported by, the Center for Student Conflict Management. The hearing body has authority to recommend the full range of University responses.
- x Administrative Conduct Board: The Administrative Conduct Board is chaired by at least two University Administrators. In certain circumstances, members of the All Campus Judicial Council may also be included in an Administrative Conduct Board. This conduct board is authorized to issue the full range of University responses.
- x Sexual Misconduct Hearing Board: The Sexual Misconduct Hearing Board will consist of up to two adjudicators who may be University administrators or external hearing officers who receive annual training on issues related to sex and gender-based misconduct. This adjudicator(s) is authorized to issue the full range of University responses.

Referral to Restorative Circle

In some circumstances students who have engaged in behavior that violates our policies and regulations may be given the option of participating in a restorative circle to resolve the incident. Referrals to a restorative circle will be at the discretion of the judicial officer and requires voluntary participation from all parties involved. A student who is offered this option but declines it will otherwise remain subject to the conduct process.

Restorative circles provide parties involved in a dispute with the

University activitypr raises considerable concerns that the individual or group poses a threat to the safety or welfare of the University community.

THE CONDUCT PROCESS

Please Note: The conduct process, including fundamental fairness principles and the appeal process, is different for cases of alleged Sexual Misconduct or violations of Title IX

2. Pre-Hearing Conference Meeting During a pre-hearing conference meeting, a member of the Center for Student Conflict Management meets with the respondent(s) and discusses the hearing process as outlined in the fundamental fairness section of this document on pages 9 and 10.
3. Hearing The purpose of a formal conduct hearing is to determine the truth about a respondent's alleged misconduct. There are two forums for a hearing of Sexual Misconduct Violations (a) an Administrative Conduct Board and when the accused student is an undergraduate student in The College (b) a hearing with the All-Campus Judicial Council. Through an objective and fair process guided by the fundamental fairness standards below, the hearing board determines (a) whether, based on a preponderance of evidence (whether it is more likely than not), a violation occurred and (b) appropriate sanction(s) for a finding of responsibility.
4. Post

the responsible option letter is received by the deadlines described above, the applicable sanctions will be enforced. In rare circumstances, no response may also result in a case being referred to either an ACJC or Administrative Hearing

recommendations of a conduct board/officer, they may request further consultation and review by the conduct board/officer or may make a different finding or recommendation if warranted by the evidence presented at the hearing. The judicial officer, or designee, will notify the responding organization through their representative.

18. The responding organization has the right to appeal a final decision in an academic case to the appropriate dean/director.

19. The judicial officer, or designee, has discretion to modify, expand, or clarify these standards and any other aspect of the conduct process, depending on the circumstances.

APPEALS

Grounds for Appeal

An appeal is intended to provide an opportunity to consider any previously overlooked, exceptional, or unfair circumstances pertinent to the case. It is not intended to be a rehearing of the events presented at the original hearing. The only grounds on which an appeal can be made are:

1. The response was not appropriate; or
2. New information exists that was not available at the time of the hearing and this information is sufficient to alter the decision; or
3. An error occurred during the process that is substantive enough to alter the decision.

Process of Appeal

An appeal must be made in writing and sent to the Center for Student Conflict Management, conflict.management@rochester.edu. At the discretion of the conduct officer, the appeal will be decided by the All-Campus Judicial Council, the Administrative Appeal Board, or representatives from the Appeal Board. An appeal of a decision made by the Sexual Misconduct Board or through the Title IX process must follow the appeal guidelines outlined in either policy.

The appeal letter must

resolution. An appeal of a responsible option may only result in changes to the sanctions, not the findings of responsibility accepted by the student or group.

Basic Expectations

Students who choose to attend the University of Rochester should understand that they have committed themselves to adhering to academic and social standards which are essential to the well-being of the community. Any student referred to a hearing will be afforded basic standards of fundamental fairness which include timely notification of charges, a fair and impartial hearing, and the right to appeal. Students are expected to respond in a timely fashion to any and all written or verbal communication, including but not limited to voice mail, electronic mail, letters, and other forms of correspondence. Failure to check for these forms of communication does not relieve students of their responsibility to reply.

A significant goal of campus conduct proceedings is to promote the welfare of the student, making the student aware of commu

workshops. Such mandated interventions may be at the student's cost.

- x Financial Restitution, which may require individuals to restore or replace within a specified time, property which has been damaged, defaced, lost, or stolen.
- x Revocation or Restriction of Privileges, for the use of designated University facilities or programs.
- x Disciplinary Probation, which consists of an official notice that further violation of University policy

- property which has been damaged, defaced, lost, or stolen.
- x Suspension of the New Member Process Organizations will be required to cease all activities related to the intake of new members. This suspension may be temporary or permanent.
 - x Suspension from University Housing Organizations will have the privilege of living in University housing revoked for a certain period of time. This would pertain to the organization as a whole and not necessarily individual members.
 - x Loss of organizational recognition Organizations may lose their status as a recognized student organization along with all of the rights and privileges afforded to recognized organizations. This loss of recognition may be temporary or permanent.

Common Responses by Policy V

University.
x Hazing:

A student who has been issued interim action is entitled to a prompt review, reasonable under the circumstances, of the need for this interim action. This review will be done by the Dean of Students of appropriate school or designee. Specific information on how to file a request for a review is found in the interim action letter issued.

POLICIES AND PROCEDURES

Academic Misconduct

Please review the University's academic honesty policy by visiting:
<http://www.rochester.edu/college/honesty/>

Active Avoidance Orders (AAO)

Active Avoidance Orders are issued by the judicial officer in order to limit the contact between two or more students that are engaged in an interpersonal conflict. An Active Avoidance Order is not considered disciplinary action and in cases of alleged misconduct, may be imposed prior to a conduct hearing. Failure to abide by an Active Avoidance Order may result in arrest, additional conduct charges, interim suspension or other sanctions as deemed appropriate by the judicial officer. If either party violates the Active Avoidance Order, the other party should contact the judicial officer or the Department of Public Safety.

In situations in which the judicial officer deems it necessary to invoke the Active Avoidance Policy, one or both parties are instructed to make no contact with the other party(s) by any means whatsoever. Each party is instructed to respect the need for each individual to be able to manage his/her/their University life with a minimum of contact with the other(s). All individuals are also instructed to act reasonably and responsibly should incidental contact occur. If the respondent and the reporting individual observe each other in a public place, it is the responsibility of the respondent to leave the area immediately and without directly contacting the reporting individual.

Procedures

When an Active Avoidance Order is issued or subsequently modified or changed, each party receives a letter instructing them to avoid all contact with the other party. This letter also contains instructions for how to submit an appeal and the proper action to take if the other party violates the order.

Appeals of AAO

Both the respondent and the declarant shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for, and terms of, the AAO and shall be allowed to submit evidence in support of his/her/their request for review. Information about how to make a request for a review is found in the AAO letter issued.

Notification

The University reserves the right to notify the Department of Public Safety and Residential Life staff as well as appropriate deans, department heads, supervisors, and Human Resources representatives on a need to know basis. These individuals may notify the appropriate staff members, limiting the number of staff notified to the minimum number of people who need to know.

Guidelines

In all instances, all parties are expected to avoid all contact with each other, while protecting each individual's right to free access to the campus community. Occasionally, an individual's access to certain optional activities or facilities may be restricted. There are three categories of activity to which the Active Avoidance Policy may apply:

- A. Activities related to the performance of academic duties, e.g., attending classes, conducting research for a course, membership on committees or student groups, graduation exercises, etc.
- B. Use of common University facilities, e.g., Wilson Commons, dining facilities, parking areas, libraries, computing facilities, copy centers, access to health care facilities, etc.
- C.

Procurement of Alcohol & Serving of Alcohol for Underage or Intoxicated Persons	It is illegal in New York State to sell alcohol to anyone under 21, to anyone who is already intoxicated, or to anyone who is habitually intoxicated. It is illegal to misrepresent one's age or that of anyone else under 21.
False Identification Laws	The purchase or attempt to purchase alcohol with the use of false or fraudulent documentation (such as a false identification card or a driver's license belonging to another) by persons less than 21 years of age is prohibited in New York State.
Open Container/Public Consumption Law	The possession/consumption of an open container of alcohol, any carton, cup, glass or receptacle which is uncapped, uncorked, unscrewed, unsealed or otherwise open in such a way as to permit direct consumption of the contents—in a public space is prohibited in the City of Rochester.

Driving While Intoxicated

University of Rochester policies regarding alcohol and other drugs

The following policies are in congruence with and in addition to any federal, state, or local laws regarding alcohol or other drug use and apply to all members of the University community and their guests:

POLICY	DESCRIPTION
Open Containers	An open container is any receptacle containing alcohol, which is open in such a way as to permit direct consumption of the contents, is prohibited. Possession of an open container of alcohol anywhere on campus is prohibited, except: <ul style="list-style-type: none"> x in a residence hall private living space which includes common areas within suites; x in a fraternity or special interest house; or x in an area designated, through the event/function registration process

	conjunction with illegal drug activity.
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Including parents in conversations about alcohol and other drugs

The University supports the idea that students, parent(s) or legal guardian(s), and the University are partners

- x All lightweight extension cords or multi plug outlet adapters
- x Heavy weight power strips or extension cords without safety circuit breakers
- x Multiple approved power strips connected together ("chaining")
- x All cords extended through walls, ceilings, affixed to walls, under floor coverings, across corridors, etc.
- x

organization may exercise discretion in determining whom they allow to enter or remain at an event, so long as the group does not violate the University's nondiscrimination policy. Additionally, failure to provide truthful and complete information about misconduct, including both violations of law and policy, can result in charges against the group itself for such violations.

Hazing Policy

No student should ever be harmed or degraded while seeking membership in any student organization at the University of Rochester. When choosing to join an organization, individuals should be treated according to the Meliora Vision and Values of equity, leadership, integrity, openness, respect, and accountability.

Hazing is any activity related to joining, or ongoing membership in, any organization, which intentionally or recklessly creates a situation that can reasonably be expected to cause physical or psychological injury, discomfort, embarrassment, or degradation. Note that hazing is a violation regardless of a person's willingness to participate in the activity. Some examples of hazing include (but are not limited to) activities that cause excessive fatigue, forced consumption of any food or actions that interfere with the pursuit of ordinary activities. Scavenger hunts and road trips may constitute hazing, and therefore require explicit and prior approval of the appropriate director or dean.

Violations are reviewed by the judicial officer and may include consultation with the director of Fraternity and Sorority Affairs, the director of Athletics, or other appropriate University officials. In responding to groups found responsible for hazing, conduct boards are trained to begin response discussions with the possibility of revoking the recruitment privileges of such organizations.

Community members who are concerned that a student is being hazed are encouraged to use the

C. Retaliation

Retaliation is any adverse action taken by a member of the University community against a person because of the person's participation in a complaint or investigation of harassment or discrimination that is intended to, or could reasonably be expected to, dissuade a reasonable person from filing claim or participating in an investigation in the future.

D. Aiding or Facilitating

Aiding or facilitating is any action or course of action that assists, promotes or encourages the commission of a violation under this policy. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so. Taking action may include direct intervention, calling Public Safety or local law enforcement or seeking assistance from a person in authority.

E. Guests

Students' failure to take reasonable steps to prevent their guests from violating the code of conduct, including this Policy Against Discrimination and Harassment may result in those students being charged for a violation of this policy.

actions deemed appropriate under the circumstances. Disciplinary action against an accused student may follow, which would involve an administrative hearing on campus.

- o Issuing Active Avoidance Orders: If a student's presence on campus poses a perceived, threat to your physical or emotional safety and well-being and/or sense of personal safety and security, the University can issue an Active Avoidance Order (AAO). Please see the Standards of Student Conduct section on Active Avoidance Orders for more information about the issuance of AAOs
- o Helping Coordinate Alternative Housing, Transportation, and Classes: The University will discuss alternative housing, transportation to and from campus, and classes when that support is appropriate.
- o Taking Interim Measures: The University can determine whether interim measures need to be taken to arrange alternative on campus housing or class schedules or remove the student(s) from campus and/or classes or before a hearing can occur. Please see the Standards of Student Conduct section on interim suspension for more information regarding that process.
- o Coordinating an Administrative Hearing: When appropriate, the ODOS will call for the complaint to be resolved through the administrative hearing process. See below for more information about this process.
- o Filing a report with the appropriate police department: DPS can help connect you to the appropriate law enforcement agency if you wish to report the potentially criminal harassment incident to the police. You can choose to simultaneously report the incident to the University and the appropriate law enforcement agency for investigation and response.

Appeal Process

A student who is placed on an Involuntary Leave may appeal the decision to the dean or designee of the school in which the student is enrolled or designee within seven days of their receipt of the letter from the dean, or designee, notifying them of the decision to place them on leave. The appeal must be in writing, delineating the reason(s) why the student believes the decision is inappropriate. The dean of the school will review the student's appeal and uphold, reverse or alter the decision. The dean of the school's decision will be communicated to the student in writing and shall be considered final.

Process for Returning From Leave

A student seeking a return from leave must meet the conditions specified by the dean or designee. The student must submit a letter to the dean, or designee requesting to return to the University. It is the responsibility of the dean, or designee to review the student's compliance with specified conditions for the return from leave, and to determine whether other behaviors or events during leave render return advisable, and to advise other University offices accordingly. Appropriate administrative duties with respect to commencing this leave process and maintaining its records will be the responsibility of the dean or designee.

Interim Actions

Parking Policies

Please review all Parking Services policies by visiting: <http://rochester.edu/parking/>.

3. Any receipt, retransmission or destruction of software or

Additional Copyright Infringement ("File Sharing") Information

Sharing copyrighted works without the copyright owner's permission, also known as file sharing, is illegal and a violation of