ADELPHI
UNIVERSITY

Code of Conduct

adelphi.edu
800.ADELPHI

TABLE OF CONTENTS

Topic		Page
Introduction…		…4
Article I	Jurisdiction of the *Code of Conduct*…	…5
	Application (of the *Code*) …	…5
	Use of the Code…	…6
	Referral to and Cooperation with Law Enforcement…	…6
	Student Groups and Organizations…	…6
	Definition of Terms…	…7
	Classroom and Field Placement Standards…	…10
	Academic Integrity…	…11
	ID Cards…	…11
	Visitors and Guests…	…12
	Office of the Dean of Student Affairs…	…12
	Parking/Traffic Enforcement…	…12
	Parking and Traffic Offense Appeals Officer…	…13
	Repeat or Serious Violations…	…13
Article II	**Rights**…	…14
	Student Bill of Rights…	…14
	Standards of Fairness in the Conduct Process…	…14
Article III	**Expectations and Community Standards**…	…15
	Prohibited Behavior…	…15
	Sanctions…	…20
	Protective Measures…	…22
Article IV	**Process**…	…23
	Procedural Expectations for the Conduct Process…	…23
	Standards of Proof…	…23
	Amnesty…	…23
	Reporting an Incident…	…24
	Timeframe for Reporting…	…24
	Investigation…	…24
	Notice of Possible Violation…	…24
	Resolution Conference…	…25
	Resolution of an Incident…	…26
	University Hearing Board…	…27
	General Description…	…27
	Composition…	…27
	Appointments…	…27
	Presiding Person…	…28
	Ad Hoc Committees…	…28
	Hearing Officer…	…28

TABLE OF CONTENTS – CONTINUED

Public Attendance… …28
Academic Integrity Hearing… …28
Hearing Format and Consolidation… …28
Notice of Hearing… …29
General University Hearing Board Information and Procedure… …30
Order of Hearing… …31
Appeals… …31
Who can Appeal… …31
Grounds… …32
Appeal Agent… …32
Student Status Pending Appeal… …32
Appeal Process… …33
Appeal Outcome… …33

Article V – General and Institutional Information… …34
Delivery of Documents to Reporting Parties, Respondents and Witnesses… …34
Transcript Notations and Release… …34
Disciplinary Files and Records… …34
Tuition and Fee Refunds… …35
Review/Amendment of This *Code*… …35

INTRODUCTION

Adelphi University has a clear mission:

Our University transforms the lives of all students by creating a distinctive environment of intellectual rigor, research, creativity, and deep community engagement across four core areas of focus: arts and humanities, STEM and social sciences, the professions, and health and wellness.

The ability and freedom to teach, learn, and develop depends upon appropriate opportunities and conditions in the classroom, in the residence hall, elsewhere on campus, and in the greater academic community. The University has developed procedures and policies to safeguard this process and to maintain an environment conducive to the learning process.

Although no such document can be exhaustive, the purpose of a code of conduct is to set out standards of conduct, to give notice of expectations and prohibited behavior, and to identify the procedures the University employs to resolve incidents in which behavioral expectations are not met. The *Code of Conduct* is not meant to address simple differences of opinions or inhibit freedom of expression.

The process outlined in this *Code* (conduct process) is designed to be one of education and critical thinking. The process is NOT designed to mimic formal proceedings found in civil or criminal court proceedings. Nor is this process designed to punish individuals. Everyone is encouraged to participate in the process, in order that they might contribute insights and develop skills in the resolution of conduct matters.

All members of the University community are expected to maintain the highest standards of personal and academic integrity and are also asked to consider seriously their responsibility for shaping prevailing community standards. Everyone is encouraged to confront deviations in community standards or violations of policy in constructive ways, including the appropriate application of this *Code*. They are also encouraged to make reasonable efforts to prevent violations of policy or standards when it can be done in a safe manner. All members of the University community are prohibited from engaging in conduct resulting in or leading to any of the behaviors listed in the *Code of Conduct*.

Although expectations for conduct apply to the entire community, the adjudication and related processes in this *Code* only apply to students.

Adelphi University believes that the procedures, policies, and safeguards described herein are indispensable to maintaining an academic environment appropriate to teaching, learning, and development.

This *Code of Conduct* is subject to change. The University will review this *Code* to ensure that it is up-to-date, applicable, and consistent with the University's mission.

Parts of this *Code of Conduct* have been inspired by suggestions for model codes by Gary Pavela and Ed Stoner and the *Code of Conduct* of Polytechnic University.

ARTICLE I - JURISDICTION

This *Code of Conduct* has applicability to the following groups of people:

- Students of Adelphi University (see definition);
- Staff members of Adelphi University;
- Faculty members of Adelphi University;
- Executive Leadership of Adelphi University;
- Guests or visitors of students, staff, faculty, and executive leadership of Adelphi University;
- Invitees and Licensees of Adelphi University.

This *Code of Conduct* shall apply to the following situational types:

- Individual student conduct matters;
- Organizational student conduct matters;
- Academic misconduct matters;
- Incidents under the auspices of Title IX of the Education Amendments of 1972, referred by the Title IX Coordinator, or designee, involving a student respondent, as applicable under the Adelphi University *Anti-Discrimination, Harassment (Including Sexual Misconduct, Dating Violence, Domestic Violence, Stalking) and Retaliation Policy. In incidents where there is a conflict between the Code of Conduct and the University Anti-discrimination and Harassment Policy, the Code of Conduct shall control, unless specifically prohibited by Federal or New York State law or regulation;*
- Repeat or serious violations of Adelphi University Traffic Policy;
    - Any act that endangers or threatens the health or safety of the campus community;
    - Behavior that is prohibited by the *Code of Conduct*, exhibited by the student during the traffic infraction;
    - Fraudulent use of parking permits.
- Incidents that occur on any campus of Adelphi University;
- Incidents that occur off the property boundaries of any Adelphi University campus, if the behavior poses an imminent, non-hypothetical, health, or safety risk to the Adelphi campus community.
- Incidents that occur during a University-sponsored event (including, but not limited to: department-sponsored events, organizational events, study abroad trips, and academic course field trips);
- Incidents of bias that contain direct threats, intimidation, or violence.

This *Code of Conduct* shall NOT apply to the following:

- In all matters in which the Code of Conduct does not apply, Student Conduct and Community Standards may have an educational dialogue with the student, group, or organization or may ask another party to have that conversation;
- Disputes of interpretation of a course syllabus, grading, or academic policy between a student and a faculty member or between a student and an office with academic responsibilities;

- Services provided by contract (e.g. Campus Dining, Housing and Residential Life, booking availability, etc.);
- Student Financial Services regulations;
- First-time infractions of the Adelphi University Traffic Policy;
- Interpersonal disagreements;
- Free-speech, expression, or academic freedom issues;
- Classroom management issues that do not involve other behaviors prohibited by the Code such as intimidation or threatening behavior;
- Off-campus conduct where not required by law (except as provided for above);
- Conduct or comments that occur online, including social media (without a direct threat), and that do not involve Adelphi University computing resources;
- Political speech that does not indicate a direct threat;
- Incidents of bias that do not indicate a direct threat. These incidents are referred to the Bias Response Team and/or may be addressed through the community standards process;
- Any behavior that is adjudicated through civil court procedure, except where required by law or involving physical harm to person or property. The following are examples of items not addressed by this code:
    - Slander, libel, defamation, breach of contract.

Individuals who cannot seek resolution under the provisions of this *Code* are encouraged to seek resolution through an alternative resolution process, including, but not limited to:

- [Office of] Academic Services and Retention;
- Alternative dispute resolution;
- Arbitration;
- Behavior Intervention Team;
- Civil court proceedings;
- [Office of] Community Concerns and Resolution;
- Criminal court proceedings;
- Specific institutional policies or procedures regarding the topic in question.

Use of the *Code of Conduct*

The Student Conduct Officer shall have the discretion to determine appropriate response and resolution methods if any, (e.g., Community Standards, mediation, formal charges). Determinations will be based on the unique features of the matter.

Referral to and Cooperation with Law Enforcement

The University may opt to refer violations of law to appropriate law enforcement agencies. Such referral does not preclude University action for the same violations. The conduct process does not determine violation(s) of law. The conduct process is an administrative process that seeks to hold students accountable to minimum behavioral expectations related to the *Code of Conduct*.

Student Groups and Organizations

Student groups and organizations may face violations of this *Code*.
A student group or organization and its officers may be held collectively and individually responsible for violations of this *Code.* These violations may have been committed by those

associated with the group or organization, if the member(s) received the consent or encouragement of the group or organization, or the leaders or officers of the group or organization. The finding of responsibility may occur if the group or organization knew or should have known about the behavior and failed to make reasonable efforts to prevent it.

The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by the Student Conduct Officer to take appropriate action designed to prevent or end violations of this *Code* by the group or organization or to educate the group or organization. Failure to make reasonable efforts to comply with the Student Conduct Officer's directive shall be considered a violation of this *Code*, both by the officers, leaders, or spokesperson for the group or organization and by the group or organization itself.

The officers or leaders of a student group or organization in violation of this *Code* will be subject to a resolution conference or hearing with the Student Conduct Officer.

Sanctions for group or organization misconduct may include revocation or denial of University recognition, as well as other appropriate sanctions, pursuant to the sanctions outlined in this *Code*.

Definition of Terms

Advisor refers to designated staff members who are appointed by the Vice President for Student Affairs and who are available to students to assist them through the conduct process. Advisors are trained by Student Conduct and Community Standards staff in the conduct process, but they function as independent advisors for students. Advisors may confer with their advisees, but may not actively participate in the conduct process by offering information on behalf of the student.

Affirmative Consent is 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.

The following six (6) principles, along with the above definition, will be used to evaluate whether affirmative consent was given:

1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.

Business days mean days that University offices are open for business (excluding weekends). Class days and business days may not correspond.

Confidentiality may only be offered by some individuals, specifically, those who are not required by law to report known incidents of sexual assault or other crimes to University officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers, and pastoral counselors are examples of University employees who may offer confidentiality.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship and the frequency of interaction between the persons involved in the relationship.

Direct Threat A direct threat is a communication from at least one (1) identified individual to another identified individual that creates or implies a significant risk of substantial harm to the health or safety of another person.

Distribution means any form of sale, exchange, or transfer, regardless of whether or not money was involved.

Domestic Violence is violence committed by a current or former spouse of the victim or a person who is cohabitating romantically with the victim. It can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Faculty Advocate refers to designated members of the faculty who are available to students to assist them through the disciplinary process. Faculty Advocates are appointed by the Provost. Faculty Advocates are trained by Student Conduct and Community Standards staff in the conduct process, but function as independent advisors for students. Faculty Advocates may confer with their advisees but may not actively participate in the conduct process by offering information on behalf of the student.

Group means a number of persons who are associated with each other, but who have not complied with University requirements for recognition as an organization.

Hearing means a formal process conducted by the University Hearing Board or other appropriate hearing officer or body. This formal process is designed to gather and consider relevant information regarding a possible violation of the *Code of Conduct* and to determine a sanction(s), if appropriate.

Institution and **University** means Adelphi University and its entire undergraduate and graduate schools, colleges, divisions, and programs (whether on the Garden City campus, any other Adelphi campus or off campus).

Intentional means deliberate.

Mutual Agreement means a resolution entered into between a student, student organization/ group and a Student Conduct Officer regarding the resolution of a conduct incident. The mutual agreement is binding.

Organization means a number of persons are associated with each other and have complied with University requirements for recognition.

Privacy means that even offices and employees who cannot guarantee confidentiality under the law, will maintain the privacy of students to the greatest extent possible, and in accordance with applicable Federal and State privacy laws. The information provided to a non-confidential resource, such as but not limited to a Student Conduct Officer, will be relayed only as necessary to investigate and/or seek a resolution.

Reckless means careless or heedless of the potentially harmful consequences of one's behavior, where the risk of harm to persons, property or normal University operations can be reasonably foreseen.

Reporting Party means a person who makes a report of a possible violation of the *Code of Conduct* or other University regulations and policies.

Resolution Conference a resolution conference (formerly a disciplinary conference) means a process designed to gather and consider relevant information regarding alleged violations of the *Code* and to determine a sanction, if applicable.

Resolution Options There are three (3) broad resolution options for resolving a matter referred to Student Conduct and Community Standards. Resolution options include: an informal resolution, a resolution conference (formerly a disciplinary conference), or a formal hearing before a University Hearing Board. The Student Conduct Officer has the authority and the imperative to determine the most appropriate resolution option based on the unique features of the incident and the parties involved.

Respondent means a person who has been accused of violating the *Code of Conduct.*

Sexual Assault means any nonconsensual sexual intercourse and/or any nonconsensual sexual contact. For further explanation, see pages 9 and 10 of the University's *Sex Discrimination, Sexual Misconduct and Other Prohibited Conduct Grievance Procedures.*

Stalking is a course of unwanted and repeated conduct directed at a specific person designed for no legitimate purpose and which would cause a reasonable person to be in fear for his or her own safety, or the safety of others, or to suffer substantial emotional distress. Stalking may include but is not limited to unwanted: following, communication (including electronic), visits, and gifts.

Student means any currently enrolled person (or person enrolled at the time of an alleged violation) for whom the University maintains education records, as defined by the Family Educational Rights and Privacy Act of 1974 ("FERPA") and related regulations. A person who is currently not enrolled, but who is still pursuing a degree and has not withdrawn from the University (e.g., between fall and spring semester, over the summer, while studying abroad) is considered a student for the purpose of this *Code*. A person who was a student at the time of an incident is considered a student for the purpose of this *Code*.

Student Conduct Officer refers to the Dean of Students or the administrator designated by the Dean of Students. The Student Conduct Officer is responsible for administering the day-to-day application of this *Code*. An individual wishing to make a complaint regarding violations of this *Code*, or seeking information regarding this *Code* or its application, should contact the Student Conduct and Community Standards Office.

University Hearing Board, which may be referred to as "the board" or "Hearing Board," is a group comprised three (3) faculty members, three (3) administrators, and three (3) students designated by the University for hearings. Quorum for this group consists of one member of each of these three groups.

University Official A University official is any faculty, full-time employee, part-time employee, or student employee, authorized to issue directions in a given situation.

University-Sponsored Activity means any authorized activity on or off University premises that is initiated, aided, authorized, or supervised by the University or one or more recognized student organizations.

Weapon means any object or substance designed to wound, cause injury, or incapacitate persons or animals, or damage property, including, but not limited to, firearms, ammunition, explosives, other lethal weapons, and chemicals such as Mace and tear gas. Within the provisions of Article 265 of the New York State Penal Code, firearms and other dangerous weapons include, without limitation, a billy club, blackjack or bludgeon, cane/sword, chukka stick, pistol, revolver, rifle, shotgun, machine gun, switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, electronic dart gun, Kung Fu star, electronic stun gun, metal knuckles, sand bag, sand club, wrist-brace type slingshot or slingshot, dagger, dangerous knife, imitation pistol, or any other instrument or weapon. Also included are air-guns, spring guns or any other instrument or weapon in which the propelling force is a spring, air, piston, or CO2 cartridge. A harmless instrument designed to look like a firearm, explosive, or other weapon is expressly included within the meaning of weapon.

Classroom and Field Placement Standards

The individual faculty member has primary responsibility for managing the classroom environment. If a student engages in any behavior that results in disruption of a class, he or she may be directed by the faculty member to leave the class for the remainder of the class period.

An instructor may make a request to the Associate Provost in the Office of Academic Services and Retention to withdraw a student from a course if the student's behavior continues to disrupt the

course. The Associate Provost will seek to resolve the issue by attempting to find a resolution that is agreeable to both the student and the professor. However, the Associate Provost will inform the Student Conduct Officer in all cases of inappropriate behavior, even if a resolution is implemented, and the Student Conduct Officer may need to take additional action. If the Associate Provost is unsuccessful at finding a resolution, the Associate Provost will then refer the matter to the Student Conduct Officer in accordance with the *Code of Conduct.* Any notification will be made using the online reporting form available on the Student Conduct and Community Standards website.

The Student Conduct Officer will make every attempt to resolve the matter quickly, and whenever possible within seven (7) business days. The Student Conduct Officer will work with the Associate Provost in the Office of Academic Services and Retention to arrive at an outcome that preserves the integrity of the classroom, the authority of the professor and the rights of the student.

Individual schools and departments may have behavioral codes and expectations of professional standards that apply to classroom, clinical, field or other settings. Students in these schools or departments are accountable for those standards as well as the *Code of Conduct.*

For undergraduate coursework, the Associate Provost with responsibility is Dr. Diann Cameron-Kelly.
For graduate coursework, the Associate Provost with responsibility is Dr. Anne Mungai.

Academic Integrity

Academic integrity occupies the very center of the educational enterprise. Adelphi University encourages academic excellence in an environment that promotes honesty, integrity, and fairness. All members of the University community are expected to exercise honesty and integrity in their academic work and interactions with members of the University community. Each member of the University community shares the responsibility for securing and respecting an environment conducive to academic integrity. For additional information and resources concerning Academic Integrity please refer to the Committee for Academic Integrity:
operations.adelphi.edu/policies/academic-honesty.

Academic dishonesty will not be tolerated, and persons who breach academic integrity will face disciplinary action. First-time violations of the University's *Code of Academic Integrity* will be resolved by the faculty member who reported the violation. Students who disagree with the faculty member's resolution may consult the faculty member's immediate supervisor (course coordinator, department chairperson, assistant dean, etc.).

Repeat violations of the University's *Code of Academic Integrity* will be referred to the Office of Student Conduct and Community Standards for possible student conduct action as prescribed by the *Code of Conduct.* All previous cases of academic dishonesty involving the student will be considered in determining an appropriate sanction(s).

Identification Cards

Each member of the University community is issued a picture identification card, electronic equivalent, or temporary pass and must carry it with them at all times while on University premises or at University-sponsored activities. Identification cards must be presented upon request of any University Official or agent in the normal conduct of University business.

- Identification cards are not transferrable. The owner of the card will be called upon to account for any fraudulent use of their identification card and will be subject to conduct action by the University if they aided such fraudulent use. A card will be forfeited if the person to whom the card was issued allows any other person to use the card;
- If a student is suspended or expelled from the University, the identification card must be surrendered to the Student Conduct Officer.

Visitors and Guests

Visitors, including invitees or licensees, shall conduct themselves, at all times, in a manner which is consistent with the maintenance of order on University premises pursuant to this *Code*; their privileges to remain on University property shall terminate upon violation of this *Code*. The University reserves the right to withdraw at any time the privileges of invitees or licensees to be on University premises. Trespassers have no privileges of any kind on University premises, but will be subject to the University's regulations governing the maintenance of order. Additionally, students will be held accountable for the acts of misconduct of their guests while on University premises or at University-sponsored activities.

Office of the Dean of Student Affairs

The Dean of Students, through the Student Conduct Officer, directs the efforts of students and staff members in matters involving student conduct. In addition, the Student Conduct Officer will provide opportunities for education, ethical development, outreach, and assessment in the areas of student conduct, conflict resolution, and civility. The responsibilities of the Student Conduct Officer include:

- Determining on a case-by-case basis the violations that apply pursuant to this *Code*.
- Interviewing, advising, and assisting parties involved in disciplinary proceedings and arranging for a balanced presentation at disciplinary conferences or before the University Hearing Board.
- Maintaining student conduct records.
- Developing procedures for conflict resolution.
- Resolving cases of student misconduct, as specified in this *Code*.
- Creating, revising and maintaining forms necessary to implement this *Code*.
- Developing, disseminating, interpreting, and enforcing campus regulations.
- Maintaining a fair, reasonable and balanced environment when addressing student behavior and in processes associated with this *Code* and its proceedings. As such, the Student Conduct Officer will be a part of resolution conference and hearings.
- Whenever possible, providing learning opportunities for students found responsible for violating standards.
- Helping foster students' ethical and personal development.

Parking/Traffic Enforcement

The Department of Public Safety and Transportation is responsible for creating and enforcing parking and traffic regulations on campus. All members of the University community and their guests are responsible for obeying University, local, and State parking/traffic regulations. Those who do not are subject to summonses, fines, towing, and/or immobilizing of their vehicle at owner's expense. The University will not be responsible for damages caused by immobilizing or towing. A complete list of campus parking and traffic regulations can be found at **safety.adelphi.edu/parking/regulations.**

Parking/Traffic Offense Appeal Officer

Those receiving summonses may appeal those summonses. The Executive Director of Public Safety and Transportation, or his or her designee, shall serve as the Parking/Traffic Offense Appeal Officer. This Appeal Officer shall hear and decide all appeals of non-disciplinary parking/traffic summonses issued. The decision of the Appeal Officer is final and not subject to further review.

Repeat or Serious Violators

Repeated violations of parking/traffic regulations, or those deemed very serious, are subject to disciplinary proceedings as outlined in this *Code.*

"Serious" is defined as any incident that involves significant injury to a person or damage to property.

ARTICLE II – RIGHTS

Student Bill of Rights

The rights enumerated below apply to all students, in all matters investigated and resolved through the student conduct process, not just those incidents involving a possible violation of Title IX of the Education Amendments of 1972. All students have the right to:

1. Make a report to the local law enforcement and/or the state police;
2. Have disclosures of sexual assault, dating violence, domestic violence and stalking treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the University disciplinary process and/or criminal justice process free from pressure from the University.
4. Participate in a process that is fair, impartial and provides adequate notice and meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations were committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the respondent, and/or their friends, family and acquaintances within the jurisdiction of the University;
9. Access to at least one (1) level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or respondent throughout the University disciplinary proceedings including all meetings and hearings related to such proceedings.
11. Exercise civil rights and the practice of religion without interference by the investigative, criminal justice or disciplinary proceedings of the University.

Standards of Fairness in the Conduct Process

The purpose of a disciplinary proceeding is to provide a fair evaluation of the information surrounding a report of misconduct. Although formal rules of evidence do not apply, procedures shall comport with standards of fairness and the provisions of appropriate sections of this *Code*. Harmless deviations from the prescribed procedure shall not invalidate a decision or proceeding.

ARTICLE III – EXPECTATIONS AND COMMUNITY STANDARDS

Prohibited Behavior

All members of the University community are prohibited from engaging in conduct resulting in or leading to any of the behaviors listed below. The following violations are not listed in any particular order, including the seriousness of the violation or possible sanction. Although expectations for conduct apply to the entire community, the adjudication and related processes in this Code only apply to students. Further information regarding the enforcement of this Code may be found in Article I.

Academic Dishonesty

Any action or behavior that can be broadly described as lying, cheating or stealing in the academic arena. Violations of this section will include the following:

- Fabricating data or citations;
- Collaborating in areas not approved by the professor;
- Unauthorized multiple submission of one's own work;
- Sabotage of others' work, including library vandalism or manipulation;
- Plagiarism;
- The creation of unfair advantage;
- The facilitation of dishonesty;
- Tampering with or falsifying records;
- Cheating;
- Any other forms of academic dishonesty.

Alcohol

The unlawful manufacture, distribution, dispensing, possession, or use of alcohol. In addition, possession of alcohol and alcohol containers is further regulated by University policy. This section also includes intoxication anywhere on any of Adelphi's campuses. See the Adelphi University Policies, Rules, and Standards Regarding Illicit Drugs and Alcohol in the Guide to Student Life for complete information: **operations.adelphi.edu/policies/illicit-drugs-and-alcohol**. Complaints involving alcohol shall exclusively be investigated and an outcome determined in accordance with the provisions of this *Code*.

Animals

Bringing into or having an animal (including, but not limited to, cats, dogs and birds) in any University building, except as required or approved by law. Emotional support animals approved by the Student Access Office are allowed in the residence hall room of the student. Animals used for authorized laboratory purposes or animals for which express permission has been granted are also permitted.

Disruptive Behavior

Acting alone or with others in a manner that significantly obstructs, disturbs, interferes with, or impairs the normal operations of the University, including University classes, departments, facilities, events, representatives, and/or individuals or groups. The behavior in question is typically such that, if left unaddressed, some major element of University life (e.g., learning, studying, sleeping, and teaching) would be denied or unreasonably inhibited.

Drugs

The unlawful manufacture, distribution, dispensing, possession, or improper use of either illicit or prescription drugs. This section also includes intoxication, regardless of substance, anywhere on Adelphi's campuses or at any Adelphi activities. See the Adelphi University Policies, Rules, and Standards Regarding Illicit Drugs and Alcohol in the Guide to Student Life for complete information: **operations.adelphi.edu/policies/illicit-drugs-and- alcohol**. Complaints involving drugs shall exclusively be investigated and an outcome determined in accordance with the provisions of this *Code*.

Endangerment, Threatening Behavior, or Intimidation

Intentionally or recklessly endangering, threatening, or causing reasonable apprehension of physical or mental harm to any person. This section also includes stalking or harassing behavior that includes, but is not limited to, threatening language, bullying, physical, verbal, or written intimidation, including cyber harassment. The behavior in question is typically such that, if left unaddressed, the person would be denied the ability to participate in or benefit from some educational or other experience.

Failure to Comply with Official Direction

Failure to comply in a timely manner with reasonable written or verbal direction of University Officials, acting in performance of their duties.

False Information, Forgery, or Unauthorized Use of Documents

Intentionally furnishing false information to the University or to University Officials that has an impact on the University process or operation. This includes, but is not limited to, providing untrue or misleading information during, or leading up to a disciplinary conference or hearing, pursuant to this *Code*. However, this provision is not only applicable to the student conduct process. Forgery, unauthorized alteration, or unauthorized use of any University document or electronic transmission (or such form or transmission used or relied upon by the University), or instrument of identification, or academic and nonacademic record, signature, seal, or stamp thereof are also prohibited.

Fire-Safety

Intentionally or recklessly causing a fire. Intentionally or recklessly activating a smoke detector, heat detector or sprinkler system. Tampering with fire equipment. Failing to evacuate in a timely

manner during a fire alarm. Knowingly filing a false report or alarm of a fire, explosion, or another emergency.

Fireworks

Unauthorized use or possession of fireworks.

Harassment and/or Discrimination

The University forbids harassment and discrimination based on race, creed, color, national origin, ethnicity, sex, sexual orientation, disability, genetic predisposition or carrier status, age, religion, marital status, veteran status, or any other basis protected by applicable local, state or federal laws. Harassment or discrimination can occur in both the physical and virtual environment including, but not limited to, via text message, e-mail or any form of social media including any actions, threats, gestures, and/or words directed toward another Adelphi University community member that, creates a hostile environment, or cause emotional distress because of the humiliating, degrading, intimidating, insulting, and/or alarming nature of the conduct. It may involve a pattern of conduct. This also includes any sexual behavior that creates an intimidating, hostile, or offensive campus, educational or working environment for another person in violation of policy. This includes unwanted, unwelcome, or inappropriate sexual or gender-based activities. See the Sex Discrimination, Sexual Misconduct and Other Prohibited Conduct Grievance Procedures for complete information: **hr.adelphi.edu/title-ix/university-policy**.

Complaints of harassment and discrimination made against students will be investigated and adjudicated in accordance with this *Code*, consistent with Title IX and Adelphi University's Anti-Discrimination, Harassment (Including Sexual Misconduct) and Retaliation Policy.

Hazing

Any action or conduct, on or off-campus, with or without consent, which recklessly, intentionally or unintentionally endangers the mental or physical health or safety of a student, or creates the risk of injury or causes discomfort, embarrassment, harassment, humiliation or ridicule, or which willfully destroys or removes public or private property, or causes any misconduct for the purpose of initiation, admission or affiliation with, or as a condition for continued membership in, any organization, team or other group, whether recognized by the University or not. Adelphi University's complete Hazing Policy may be viewed at **operations.adelphi.edu/policies/hazing**.

Identification Cards

Failure to carry, produce or surrender the identification card, or electronic equivalent upon the request of a University Official or agent. Providing your identification card to another person for their use is also prohibited.

Interference with University Operation

Intentionally or recklessly interfering with normal University operation or University-sponsored activities including, but not limited to, studying, teaching, research, and emergency services.

Physical Violence

Intentionally or recklessly causing physical harm to any person. This section includes but is not limited to physical fights, intentionally or recklessly causing injuries, or any physical acts of aggression.

Property Damage or Destruction

Intentionally or recklessly destroying, damaging or defacing University property or the property of others.

Provoking others to Misconduct

Knowingly helping or encouraging violations of the *Code of Conduct*.

State or Federal Law or Ordinances (Violation of)

Violations of a New York State or U.S. federal law or local ordinance.

Retaliation

The University forbids acts of retaliation perpetrated against persons who file complaints or report violations of this *Code*, including, but not limited to, complaints involving sexual misconduct, harassment or discrimination. See the Adelphi University Sex Discrimination, Sexual Misconduct and Other Prohibited Conduct Grievance Procedures for complete information: **hr.adelphi.edu/title-ix/university-policy**. Complaints of retaliation will be investigated and an outcome determined in accordance with the provisions of this *Code*.

Sexual Misconduct

Any sexual behavior that occurs without the consent of the victim or that occurs when the victim is unable to give consent. See Adelphi University's Sex Discrimination, Sexual Misconduct and Other Prohibited Conduct Grievance Procedures: **hr.adelphi.edu/title-ix/university-policy**. Complaints of sexual misconduct made against students shall be investigated and an outcome determined in accordance with this *Code* and consistent with Title IX of the Education Amendments of 1972, as amended, and Adelphi University's *Sex Discrimination, Sexual Misconduct and Other Prohibited Conduct Grievance Procedures*.

Smoking

Smoking including cigars, e-cigarettes, hookah pens, e-hookahs, vaping pens, vape pipes, as well as any and all similar products) on the Garden City campus will be permitted only at four (4) designated sites that are clearly marked. No smoking will be allowed in the residence halls or while traveling on walkways or traveling to or from sites where smoking is not permitted.

Theft

Taking property or services without proper permission.

Unauthorized Access to Facilities

Unauthorized access or entry to, or use of, University facilities, equipment or restricted areas.

Unauthorized, Mischievous, Malicious or Inappropriate Use of Computer or Electronic Communication Devices

Unauthorized access to, or unauthorized, mischievous, malicious or inappropriate use of, computer equipment or networks, or electronic communication devices, or the use of such equipment or devices to gain unauthorized access to, and/or use of, off-campus computer equipment. Knowing transmission of computer viruses, and unauthorized or illegal duplication of software or other electronic content is also prohibited. Using peer-to-peer (P2P) file sharing or the unlawful downloading of copy written material without the permission of the author is prohibited. For a complete list of Information Technology Policies, see **https://it.adelphi.edu/policies**. Complaints of unauthorized, mischievous, malicious or inappropriate use of a computer or electronic communication devices shall be investigated and an outcome determined in accordance with the provisions of this *Code*.

Violation of Disciplinary Sanction

Knowingly violating terms of any disciplinary sanction imposed in accordance with this *Code*.

Violation of University Regulations and Policies

Violating other published University regulations or policies. Such regulations or policies may include, but are not limited to, short or long-term health related regulations, residence hall agreements and accompanying regulations as well as those regulations relating to entry and use of University facilities, computer and network usage policies, campus demonstrations, parking rules and regulations, solicitation and advertising/posting, regulations governing student organizations, drug and alcohol policy, smoking restrictions or prohibitions, and the disruptions policy. The policy library webpage is located at: **https://www.adelphi.edu/policies/**

Weapons

Unauthorized use, possession, or storage of any weapon, whether or not a federal or state license to possess the weapon has been issued to the possessor. Persons who are licensed and obligated to carry firearms should obtain written permission from the Executive Director of Public Safety and Campus Transportation or designee to bear such on University premises or at University-sponsored activities. The possession of the facsimile of a weapon or use of a facsimile weapon is prohibited.

Sanctions

One (1) or more sanctions may be assigned when a student accepts responsibility or is found responsible in accordance with this Code for a violation. Sanctions will be determined on a case-by-case basis, utilizing the following criteria:

- the nature of the violation(s);
- the educational or developmental goals identified;
- the severity of the damage, injury, or harm resulting from the behavior;
- the previous disciplinary history of the student;
- mitigating circumstances, and;
- aggravating circumstances, which may include bias-motivation.

There are two (2) types of sanctions in use at Adelphi University. **Active sanctions** are educational sanctions that require the student to take action. **Inactive sanctions** are sanctions that, by themselves, do not require the student to take action. These sanctions may put restrictions on students or their student status. Examples of both active and inactive sanctions can be found below:

Active Sanctions

Community Service: Designated service to provide a student a new perspective and inform their future behavior. This is service to the University or to another entity designed to compensate the University community for violations of this Code. Specific learning outcomes will be assigned for the community service project.

Educational Sanctions: The required completion of one (1) or more assignments, projects, activities, and/or other endeavors, which are determined appropriate to the violation and is designed to provide the student with a better understanding of their behavior and that behavior's impact on others. Students are provided a menu of educational sanctions to choose from through the Sanction Guidebook, allowing them to participate in developing their own individualized learning experience. The goal of this process is to provide a framework for intentional and purposeful sanctioning consistent with the department's identified learning goals.

Educational sanctions should be linked to the following learning goals for students. As a result of involvement with the conduct process students will be able to:

- Possess knowledge of University policies.
- Relate University policy to daily life.
- Consider alternative perspectives and solutions.
- Apply information and experiences to a new situation.
- Articulate a rationale for their personal behavior and learn from their past experiences.
- Accept personal accountability.
- Articulate the values and principles involved in personal decision-making.
- Demonstrate consideration for the welfare of others.

Fines: In certain instances, only when required by law, students may be required to pay a monetary fine if found to have violated certain policies.

Rehabilitation/Counseling: This includes, but is not limited to, mandatory completion of a rehabilitation program for drug- or alcohol-related violations and/or mandatory completion of a counseling program for anger-related or other violations. The student may be responsible for paying a fee for such a program.

Restitution: Repayment to the University or to an affected party for damages resulting from a violation of this *Code*. (The authority of the University to enforce the collection of restitution to individuals is limited.)

Workshop Completion Facilitated by a Professional or Licensed Practitioner: Skill building options like anger-management, decision-making skills, etc.

Inactive Sanctions

Expulsion: Termination of student status and permanent exclusion from University privileges and activities. An expelled student is permanently *persona non grata* (banned) from all University facilities, grounds, buildings, programs, and activities.

Permanent Removal From Housing: Permanent exclusion from all residence halls.

Removal of Privileges/Restriction From Facilities and Activities: Exclusion from designated privileges, facilities, and/or activities.

Residence Hall Suspension: Exclusion from all residence halls for a specified period.

Residence Probation: A period of increased scrutiny of a resident student's behavior to determine if the student should remain in housing. This may also include exclusion from participation in privileged residence hall activities for a specified period.

Suspension: Exclusion from classes and other privileges and activities as set forth in a written notice for a definite period of time, usually not exceeding one (1) year. A student who is suspended loses student status for the period of suspension. A suspended student is *persona non grata* (banned) from all University facilities, grounds, buildings, programs, and activities. As a condition of suspension, credits earned elsewhere during the period of suspension may not be transferable to Adelphi and will be determined on a case-by-case basis.

University Disciplinary Probation: A period of increased scrutiny of a student's behavior. This may include exclusion from participation in privileged or co-curricular activities for a specified period; additional restrictions or conditions may be imposed. Violations of disciplinary probation terms, or any other *Code* violation during the probation period, will normally result in suspension or expulsion from the University.

Warning: Written or verbal notice to the respondent offender that continuation or repetition of prohibited conduct may be cause for further disciplinary action.

Protective Measures

Remedial and protective measures may be available regardless of whether a reporting party pursues a complaint or investigation under this *Code*. When the University receives a report of alleged misconduct, the University may take immediate steps to protect the reporting party, other affected parties, and the community. In this regard, protective measures are limited to action necessary to reach the desired effort involving protection of the community, reporting party, and respondent. They are also limited in time to the adjudication of the policy violation(s) in question and should be designed to cause the least harm possible. Protective measures may include issuance of a no-contact order, or a change in housing, academics, transportation, campus employment, campus involvement, activities, or overall student status.

The Dean of Students or designee may remove or suspend a student from University housing or the University pending student conduct action or medical evaluation, which shall be scheduled at the earliest possible time. When taking such measures, the University will, to the extent practical, minimize the burden equitably on both parties. The interim removal/suspension shall become immediately effective without prior notice whenever there is information that the continued presence of the student on campus poses a substantial and immediate threat to themselves, or to others, or interferes with normal University operation or activities as specified in Article III of this *Code*. The student so removed/suspended may contest the information relied upon to make this decision by requesting a conference with the Dean of Students or designee. Such a request does not delay the removal/suspension.

The involved parties will, upon written request, be afforded a prompt review, reasonable under the circumstances, of the need for, and terms of an interim measure including potential modification, and will be allowed to submit information in support of his or her own request. This request will be made to the Dean of Students or designee.

The loss of housing assigned by Residential Life and Housing, may be appealed by the student to the Dean of Students, who will consider the appeal or refer it to a designee for consideration. A student appealing such sanction must submit a written request for the appeal within 48 hours of receipt of this sanction, including sufficient grounds for the appeal. If sufficient grounds are not presented the appeal will not proceed and the sanction will stand.

ARTICLE IV - PROCESS

Procedural Expectations for the Conduct Process

Regardless of the method of adjudication, all students have:

- The right to have their case heard under regular procedures used for all similar cases;
- The right to receive notice of the relevant violations;
- The right to hear a description of the University's information against them;
- And the right to present their account to the designated Student Conduct Officer or University Hearing Board.

Standard of Proof

Determination of responsibility for the potential violation(s) shall be established when the conduct officer or hearing body determines a respondent(s) violated *The Code* by a **preponderance of the information**. A **preponderance of the information** means that, after considering all of the relevant information, the conduct officer or hearing body believes it is more likely than not that the respondent(s) violated *The Code*.

Amnesty

The health and safety of every student at Adelphi University are of utmost importance. Adelphi University maintains an amnesty policy for students who attempt to seek help for themselves and/or other students or nonstudents who are in need of medical attention or are facing a safety risk. Federal regulations identify when amnesty will be granted for incidents falling under the auspices of Title IX of the Education Amendments of 1972. The University recognizes that students who have been drinking alcohol and/or using drugs (whether such use is voluntary or involuntary) at the time violence occurs, including but not limited to domestic violence, dating violence, stalking, or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Adelphi University strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, and other violence to University Officials, when it is safe to do so. A bystander acting in good faith or a reporting individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking, sexual assault, and other violence to University Officials or law enforcement will not typically be subject to the University'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, sexual assault, and/or other violence.

If an individual reports a safety concern in good faith (e.g., an unconscious student), the Conduct Office will typically not pursue disciplinary action for any accompanying University policy violation (e.g., underage drinking of the subject of the report or the reporter), that is revealed in the report. The director of Student Conduct and Community Standards or designee shall determine if a student or student organization is eligible for amnesty under this provision.

A student or the president/representative of a student organization must attend a resolution conference in order to request amnesty.

Amnesty aims to remove barriers that may prevent an individual from reporting an incident that jeopardizes the safety of another person.

Reporting an Incident

Any person may report students, student groups, or organizations suspected of violating this *Code* to Student Conduct and Community Standards. This report is made using the appropriate online web form.

Those reporting violations are normally expected to serve as the reporting party and to present relevant information in University hearings, if the matter is not resolved through an informal process. The University may serve as the reporting party in any case where there is reasonable concern for the safety of the reporting party. Individuals who choose to submit a report anonymously, or choose not to serve as the reporting party, will likely limit the ability of the University to respond to the incident. The Dean of Students will have discretion to determine if a matter will be pursued when there is a harmed party who chooses not to participate in the process. Typically, such cases would not be pursued.

In cases involving discrimination, harassment (including sexual misconduct, dating violence, domestic violence or stalking), and retaliation, any person may make an anonymous complaint at via the online web form, located on the University's website.

Time Frame for Reporting Violations

The University will consider all reports about a student failing to meet the minimum behavioral expectations of this *Code*. Individuals are encouraged to report incidents as soon as possible in order to maximize the University's ability to effectively address the incident.

Investigation

An investigation will be considered once a Student Conduct Officer becomes aware of a possible violation of this *Code*.

The investigation may include any of the following components:

- A review of all submitted information related to the possible violation;
- Interviews of relevant witnesses and other appropriate parties;
- Documentation of relevant information to the incident;
- Any other information or actions deemed necessary by the Student Conduct Officer.

Notification of a Possible Violation

The Student Conduct Officer will notify the student, student organization, or student group of a possible violation of the *Code of Conduct* after considering factors that go into determining the proper time to make such notification. The notification will include all of the following information that is applicable to a particular incident:

- Time, date, and location of the possible violation;

- Name of the reporting party (if known);
- Narrative information contained in any received incident report(s);
- Supporting information related to the incident (photographs, screenshots, videos, copies of assignments, etc.);
- The name and contact information for currently serving faculty advocates or advisors;
- A copy of the current *Code of Conduct*.

The Notice of Possible Violation will include a scheduled appointment time for the student, student group, or student organization to meet with the Student Conduct Officer. The appointment will be based on the class schedule of the student or designated representative. The appointment may be changed once to accommodate non-academic commitments of the student or student organization representative, at the discretion of the Student Conduct Officer.

Students are expected to appear regarding student conduct matters. Failure to comply with a notice to appear may subject the student to additional student conduct action. Delivery of such notices to appear will be made to the student's University email address. Delivery to said email address will constitute acceptable notice to the student.

The Student Conduct and Community Standards Office reserves the right to notify appropriate University personnel of the existence of a submitted incident report regarding a specific student or student organization, in accordance with the Family Educational Rights and Privacy Act of 1974, as amended.

Resolution Conference

At the resolution conference the Student Conduct Officer and the student or designated student representative from the student group or student organization shall engage in the following process:

1. The Student Conduct Officer will explain the conduct process;
2. The Student Conduct Officer will provide information about the role of the faculty advocate, and encourage the student or designated student representative to utilize the services of the faculty advocate;
3. The Student Conduct Officer will answer any questions about the process, posed by the student or designated student representative, about the process;
4. The Student Conduct Officer and the student or designated student representative will engage in a candid discussion about the incident;
5. The student or designated student representative shall be given the opportunity to share any information related to the incident;
6. The student or designated student representative shall be given the opportunity to share the names and contact information of any witnesses related to the incident, with whom the Student Conduct Officer should meet;
7. The student or designated student representative shall be given the opportunity to resolve the matter during the resolution conference or using the University Hearing Board;
8. The Student Conduct Officer shall have the discretion to continue the resolution conference at their discretion, and/or at the request of the student or designated student organization representative.

Resolution of an Incident

At the time of incident resolution, during a resolution conference, the student or designated student representative (in the case of student organizations) shall be provided with the following options for resolution:

> **Option I:** I ACCEPT responsibility for the violation(s) and ACCEPT the recommended sanction(s);
> **Option II:** I DENY responsibility for the violation(s) and request a hearing before a University Hearing Board or Hearing Officer;
> **Option III:** The student or designated student representative NEITHER ACCEPTS NOR DENIES responsibility in resolution of this incident and remains subject to the finding and any imposed sanction(s).

When a student selects Option II, the determination about whether or not the matter will be heard by a Hearing Officer or a University Hearing Board will be determined by the severity of the sanctions being considered. Students or student groups/organizations facing possible suspension or expulsion from the University shall have the option to have their case heard by either a board or an officer. If the student or student group/organization is not facing possible suspension or expulsion from the University, the Student Conduct Officer with whom the student is meeting can make the determination about responsibility and sanction(s).

Option III is only available to students who are facing criminal charges at the time of the resolution conference.

A student or designated student representative shall notify the Student Conduct Officer of their preferred resolution option during a resolution conference. The resolution option shall take effect three (3) business days from the date that the student or designated student representative selects their resolution choice. During the three-business day (3) time period between when the student or designated student representative notifies the Student Conduct Officer of their resolution option and the effective date of the resolution option, the student or designated student representative may change the requested resolution option. Whatever resolution option that is on file with the Student Conduct Officer, as of 4:30 p.m. on the third business day after initial resolution notification, shall become effective.

A student subject to a resolution conference shall receive written notification of the outcome of the conference, if the student selects OPTION I or OPTION III. The outcome letter will include the following items:

1. Finding(s);
2. Sanction(s);
3. Rationale for the decision.

This notification shall normally be sent within two (2) business days following the effective date of the resolution option. Notification of the outcome is not usually communicated to the reporting party and/or victim, except as allowed by the Family Educational Rights and

Privacy Act (FERPA). Notification will be sent to University personnel who have been determined by the Student Conduct Officer to have a legitimate educational interest.

A student will normally receive an outcome letter if they select OPTION II, within two (2) business days following final deliberations of the University Hearing Board or Hearing Officer.

University Hearing Board

General Description

A University Hearing Board or Hearing Officer provides for a formal resolution option within the conduct process. This formal process is designed to gather and consider relevant information regarding alleged violations of this *Code* and to determine a sanction, if appropriate.

Composition

Except as otherwise provided in this *Code*, a Hearing Board is comprised of three (3) faculty members, three (3) administrators, and three (3) students. The quorum for a hearing shall be one (1) faculty, one (1) administrator and one (1) student.

Appointments

Faculty shall be appointed as follows: Faculty members will serve staggered periods of two (2) years. Each April, the Faculty Senate shall designate members to serve for the following year(s) based on anticipated openings. Appointments will generally be made for two (2) years. In some cases, appointments may be made for one (1) year so openings can be staggered. In the case of unexpected vacancies, the Faculty Senate shall make appointments as the need arises. If vacancies are not filled, the Chair of the Faculty Senate shall appoint an ad hoc member within seven (7) days of being notified of the vacancy.

Administrators shall be appointed as follows: Administrators shall serve staggered periods of two (2) years. Each April, the Assistant Vice President for Human Resources and Labor Relations, in consultation with the Dean of Students, shall appoint administrators based on anticipated openings. The administrators will serve for the following year(s) based on anticipated openings. Appointments will generally be made for two (2) years. In some cases, appointments may be made for one (1) year so openings can be staggered. In the case of unexpected vacancies, appointments shall be made as the need arises.

Students shall be appointed as follows: Students shall serve periods of one (1) year. Each April, the Student Government Association shall recommend students to serve for the following year. (Students may be recommended to serve a second year.) SGA recommendations shall be subject to approval by the Dean of Students. In the case of unexpected vacancies, additional recommendations shall be made as the need arises.

Presiding Person

For each hearing, a Student Conduct Officer shall serve as the presiding person at the hearing. The presiding person serves as an ex-officio member of the board and provides administrative support to the Hearing Board.

Ad Hoc Hearing Committees

A three-person (minimum) ad hoc hearing committee may be appointed by the Dean of Student Affairs or designee whenever a Hearing Board is not constituted, is unable to obtain a quorum, or is otherwise unable to hear a case. Ad hoc committees may be composed of administrators, faculty and students, or any combination thereof.

Hearing Officers

Hearing Officers are staff members appointed by the Vice President for Student Affairs, who receive appropriate training in the student conduct process and function as one-person Hearing Boards. A Hearing Officer is a person designated by the University to serve in the same capacity as a University Hearing Board. The hearing officer shall follow the same procedures as the University Hearing Board and shall function with the same authority as the University Hearing Board.

There will be no presiding person in a Hearing Officer Hearing. The Hearing Officer presides over the hearing.

Public Attendance

Hearings will be closed to the public.

Academic Integrity Hearings

All cases of academic integrity will be heard by a Hearing Board. The composition of an academic integrity Hearing Board will be comprised of at least two (2) faculty members and one (1) student. At least one (1) of the faculty members will be a currently serving member of the Adelphi University Academic Integrity Committee. Neither of the faculty members may be from the academic department of the course in which the possible academic integrity occurred.

Hearing Format and Consolidation

Student Conduct and Community Standards, as well as the reporting party and the respondent have the right to request that any hearing be held in either an in-person or a virtual format. Student Conduct and Community Standards retains the final decision regarding the format the hearing.

Student Conduct and Community Standards reserves the right to consolidate the hearings of multiple respondents involved in the same incident into a single hearing.

Notice of Hearing

All appropriate individuals shall be given notice of the hearing time, date, place, and the specific violations(s) against them as well as any witnesses known at that time at least three (3) business days in advance. Additional information and witnesses may become available at a later time and be considered by the Student Conduct Officer, or their representative. All other parties to the hearing shall also be given prior notice of the time, date and place of the hearing. Delivery will be made to the University email address. Delivery to said email address will constitute acceptable notice to the student.

All appropriate individuals will have reasonable access to the case file prior to and during the hearing; personal notes of University staff members or reporting parties are not included. Parties may view, but not take or copy, contents of the case file. This file will be retained by the Student Conduct Officer.

All relevant hearing parties may request witnesses to appear at the hearing. The Student Conduct Officer shall coordinate the scheduling and notification of witnesses. University students and employees are expected to comply with such requests unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.

In the event that any relevant party fails to appear after proper notice, the hearing will proceed, as scheduled.

University Hearing Board General Information and Procedures

The presiding person shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the respondent, who disrupts a hearing may be excluded by the presiding person.

Hearings shall be recorded. The recording is to be the sole record of the proceedings and is the property of Adelphi University. Such recordings may not be duplicated, except where provided for by law. No other recordings of the proceedings may be made. Deliberations and executive sessions of the Hearing Board are not recorded.

Any party may challenge a member of the Hearing Board for cause. The presiding person shall have the final decision regarding disqualification of University Hearing Board members.

Witnesses shall be informed that their information must be truthful and they may be subject to violating the *Code* for intentionally providing false information to the University, pursuant to **Article III** of this *Code*.

Prospective witnesses, other than the reporting party and the respondent, shall be excluded from the hearing during the presentation of information by other witnesses. All parties shall be excluded during board deliberations with the exception of the Student Conduct Officer, who will be present as a non-voting member for the purpose of addressing procedural issues. The Hearing Board may go into executive session at any time during the proceedings. An executive session is a private, unrecorded meeting of the Hearing Board, and sometimes other invited individuals typically used to resolve procedural matters.

The case may not be discussed by any member of the Hearing Board outside of the hearing process. All parties to a hearing shall be expected to respect the privacy of other participants in the proceeding.

The Hearing Board's decision should be based only on information presented at the hearing.

Formal rules of evidence shall not be applicable in student conduct proceedings conducted pursuant to this *Code*. Unduly repetitious or irrelevant information may be excluded, as determined by the Hearing Board with the advice of the Student Conduct Officer, or their representative.

Complainant and respondents may make opening and closing statements, with the complainant proceeding first. Complainants and respondents shall be afforded an opportunity to question those witnesses who speak for any party at the hearing. Hearing Board members may question complainants, respondents, or witnesses at any time during the hearing.

Written statements shall be considered by the Hearing Board only if the Student Conduct Officer determines that:

1. It is not possible for the individual to appear at the hearing and;
2. The identity of the person signing the statement can be ascertained.

The Student Conduct Officer may require that such a written statement be notarized or signed in their presence. Hearing boards should take note that because written statements are not subject to challenge in the same way as live statements, written statements should be evaluated in that light.

A determination of responsibility shall be followed by a deliberation as to sanction. The past disciplinary record of the respondent will only be supplied to the Hearing Board for consideration after a determination of responsibility.

The respondent and complainant, when allowed by law, shall receive written notification of the outcome of the hearing, including findings of responsibility and sanctions (if found responsible) and the right to appeal the decision.

The notification shall be sent within two (2) business days following the completion of deliberations. Notification of the outcome of a hearing is not usually communicated to the complainant and/or victim, except as allowed by the Family Educational Rights and Privacy

Act (FERPA). Notification will be sent to University personnel who have been determined by the Student Conduct Officer to have a legitimate educational interest. In addition, in cases involving Title IX, the Respondent and Complainant will be notified simultaneously. In such cases, the written notification will include findings of fact supporting the determination, rationale for the findings, sanctions imposed in the event of responsibility, and the rationale for the sanctions.

Order of the Hearing

Hearings shall be conducted according to the following procedure:

1. Introduction of all parties
2. Impartiality check
3. Presentation of information by the complainant
    a. Opening statement
    b. Presentation of information
    c. Calling of witnesses
    d. Questioning of complainant witnesses by the respondent
    e. Questioning of complainant witnesses by the University Hearing Board
    f. Questioning of complainant by the respondent
    g. Questioning of the complainant by the University Hearing Board
4. Presentation of information by the respondent
    a. Opening statement
    b. Presentation of information
    c. Calling of witnesses
    d. Questioning of the respondent witnesses by the complainant
    e. Questioning of the respondent witnesses by the University Hearing Board
    f. Questioning of the respondent by the complainant
    g. Questioning of the respondent by the University Hearing Board
5. Final questioning of any person by the University Hearing Board
6. Closing statements
    a. Complainant
    b. Respondent
7. Final instructions
8. Hearing closes
9. Deliberations between Hearing Board members begin

Appeals

Who Can Appeal

Students, student groups, or student organizations found responsible for a violation may appeal decisions arising out of a Hearing or Resolution Conference, with the following exceptions:

- A student or designated student representative who accepted responsibility and accepted the sanction(s) may not appeal after the sanction(s) become effective;
- In cases involving violations of Title IX, both the respondent and complainant may appeal regardless of the outcome.

Grounds for Appeal

The appeal agent will not conduct a rehearing of the case, but will consider an appeal based only on the appealing party's substantiated claim of one (1) or more of the following:

1. A procedural error has occurred that significantly impacted the outcome (e.g., substantiated bias, material deviation from established procedures, etc.) This error must be described in the letter requesting an appeal. Minor or harmless deviations from the process will not invalidate the proceedings.
2. The discovery of relevant new information that was unavailable during the original process, which has become available and could impact the outcome. A summary of this new evidence, why it was previously unavailable and its potential impact must be included in the request for appeal.
3. The sanction imposed is clearly not appropriate for the violation.

Appeal Agent

The Vice President for Student Affairs, or designee will serve as the person responsible for determination of whether or not an appeal request is granted.

Faculty and administrators who are appointed to serve on the University Hearing Board shall simultaneously serve in a pool to function as an appeal agent. An appeal agent shall be the person responsible for making a decision on a granted appeal request. No member shall be eligible to serve as an appeal agent for any case on which that member served on the University Hearing Board.

Student Status Pending an Appeal

Should an appeal request be granted, sanctions that were imposed shall be held in abeyance pending the conclusion of the appeal process, with the following exceptions:

1. The student was suspended on an interim/emergency basis.
2. The student is determined to be a threat to themselves, to others, or to the stability and continuance of normal University functions, per this *Code*.

Appeal Process

Requests for appeals must be submitted in writing (via the online form) to the Vice President of Student Affairs or designee within three (3) business days of receipt of the letter notifying the appealing party of the original decision. Failure to request an appeal within the allotted time will render the original decision final. The appeal request shall be submitted via the online appeal request form, available on the Student Conduct and Community Standards website.

The Vice President for Student Affairs, or designee, will consider the appeal request using the Grounds for Appeal.

1. If the Vice President for Student Affairs, or designee, determines that the appeal request has established allowable grounds for a review of the matter, the Vice President for Student Affairs, or designee, shall assign the case to an appeal agent.
2. If appropriate grounds have not been established, the Vice President for Student Affairs, or designee, shall deny the appeal without any further proceedings.

The Vice President for Student Affairs, or designee, may request clarification of one (1) or more parts of the appeal to determine whether appropriate grounds have been established.

Any granted appeal request shall be forwarded to an appeal agent within three (3) business days after the Vice President for Student Affairs grants the appeal request.

The appeal agent shall conduct a document review of:

- The appeal request;
- The case information;
- Any new information provided by the appellant.

The appeal agent, at their discretion, may contact any person who participated in the original hearing. The appeal agent may contact any newly identified witnesses, subject to the parameters of Grounds for Appeal, above.

Appeal Outcome

The appeal agent may find that:

- The appeal does not have sufficient merit as to the grounds listed above. In this case, the finding stands, as does the sanction.
- The process in the original hearing or resolution conference contained improprieties that substantially affected the outcome of the case. In this case, the matter will normally be returned to the original hearing body or person to reopen the hearing with instructions for further proceedings. In unusual cases, the appeal agent may require a new hearing or conference.
- There is relevant new information that was not available at the time of the original hearing or conference. In this case, the matter will normally be returned to the original hearing body or person for consideration.
- The sanction is clearly inappropriate. In this case, it may, at its discretion, refer the matter back to the original hearing body or person, or modify the sanction.

The outcome of the appeal shall be communicated in writing to the appellant, within two (2) business days after the appeal agent concludes its deliberations.

ARTICLE V – GENERAL AND INSTITUTIONAL INFORMATION

Delivery of Documents to Reporting Parties, Respondents and Witnesses

Correspondence regarding the conduct process as called for in this *Code*, will be made to all appropriate parties by a means that allows for documentation of delivery. This includes, but is not limited to, hand delivery, email, overnight delivery and certified mail. The primary method of communication will be email (to the Adelphi University email address).

A hard copy of notification will be made when delivery by email is not a valid option, such as deactivation of the student's University email account. Delivery will be made to the current address (local or permanent) as provided by the student to the University when a hard copy is sent. A reasonable attempt to deliver to said address will constitute acceptable notice to the student.

Transcript Notations and Release

Permanent notation of disciplinary action is made on the transcript whenever a student is expelled. If a student who is suspended or withdraws from the University fails to comply with a disciplinary sanction, that student's transcript shall not be released until the Office of the Registrar is authorized in writing by the Student Conduct Officer.

In cases involving sexual assault, domestic violence, dating violence and stalking, a sanction of suspension will result in the following notation on the student's transcript: "Suspended After a Finding of Responsibility for a *Code of Conduct* Violation," and a sanction of expulsion will result in the following notation "Expulsion After a Finding of Responsibility for a *Code of Conduct* Violation." Students may request the removal of a suspension notation no sooner than one (1) year after the conclusion of the suspension, while notations for expulsions may not be removed. Such requests must be made through the Office of Student Conduct and Community Standards. Furthermore, if a finding of responsibility is vacated for any reason, any such transcript notations shall be removed. Should a student withdraw from the University while such conduct violations are pending, and declines to complete the conduct process, the following notation will be added to the student's transcript: "Withdrew with Conduct Charges Pending."

For further information about transcript notations, please see the Adelphi University Title IX Policy, and/or contact the Title IX Coordinator.

Disciplinary Files and Records

Disciplinary files and records are maintained by Student Conduct and Community Standards. A student's conduct records are routinely discarded after seven (7) years after the student's graduation or after seven (7) years of academic inactivity. In the event of suspension or expulsion, records are maintained indefinitely. Additionally, in the event of expulsion, a notation will be included in the permanent student record maintained by the Office of the University Registrar. The release of these records is governed under the Family Educational Rights and Privacy Act of 1974.

Tuition and Fee Refunds

Students who are suspended, expelled or removed from the University housing pursuant to student conduct action are ineligible for a refund of tuition and fees.

Review/Amendment of This *Code*

The Division of Student Affairs shall conduct a regular review of the *Code of Conduct*. Appropriate members of the Student Government Association (SGA), the Graduate Student Council, and Faculty Senate shall meet with the Dean of Students and other appropriate administrators for this review. This regular review shall take place approximately every two (2) years. The SGA, Faculty Senate or the administration may make recommendations for the change of this *Code* at any time for consideration during the next review period.

Changes recommended through the regular review process, or the process just described, shall be considered by a committee consisting of representatives from the SGA, Faculty Senate Graduate Student Council, and administration. Recommendations of this joint committee shall then be brought before the Faculty Senate and SGA for approval. The President of the University (and the Board of Trustees, if it so requests) will also need to approve changes.

For explicit and time-sensitive changes required to the *Code of Conduct* due to federal, state, and local legislation, or other urgent matters that require a timely response, the University will conduct an alternative and expedited process. This process will rely on the Dean of Student Affairs, or designee, Chairperson of Faculty Senate, or designee, and President of Student Government Association, or designee, to draft and approve changes for general counsel's review. After general counsel's review and as needed, the Dean of Student Affairs, or designee, Chairperson of Faculty Senate, or designee, and President of Student Government Association, or designee, shall inform their constituencies of these provisional changes. The provisional changes are subject to subsequent ratification by the Faculty Senate and Student Government Association.