



POLICY MANUAL
VOLUME VII
STUDENT CODE OF CONDUCT

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Student Code of Conduct

Medaille College is committed to fostering a safe and healthy campus environment conducive to education, study, work and personal development. In order to establish and maintain this desired environment, the College has adopted the *Student Code of Conduct* by which all students and student organizations are expected to abide at all times. The *Student Code of Conduct* is the product of the combined efforts of the administration, faculty, and students and is approved by the Board of Trustees.

The purpose of this Code is to delineate non-academic standards of conduct appropriate to the College in consonance with the educational goals of the College.

Individual rights are best protected by a collective commitment to mutual respect. A student who accepts admission to Medaille College agrees to:

- be ethical in their participation in the academic community;
- take responsibility for what they say and do;
- behave in a manner that is respectful of the dignity of others, treating others with civility and understanding; and
- use College resources and facilities in appropriate ways consistent with their purpose and in accordance with applicable policies.

Every Medaille College student is responsible for reading and understanding this Statement, as well as other expectations identified by individual departments or organizations relevant to an academic major, professional field, or on-campus residence. This Student Code of Conduct is intended to identify the basic rights and responsibilities of and expectations for all students and student groups and thereby serve as a guide for the overall student experience at Medaille College.

The rules pertain to the actions of individuals while they are students, either on or off the campus grounds. Therefore, a student who is off campus and charged with a civil or criminal offense where there is a nexus to the College may be subject to College disciplinary action. The student conduct officer shall use discretion regarding whether the *Student Code of Conduct* shall be applied to the conduct occurring off campus.

Student groups and organizations may also be charged with violations of the *Student Code of Conduct*. A student group or organization and its officers may be held collectively and/or individually responsible when violations of this *Student Code of Conduct* occur.

The student conduct system procedures have been established to ensure due process and fundamental fairness to all individuals and organizations involved. The evidentiary standard that guides the student conduct system is the preponderance of the evidence which provides the standard of proof required to determine if a student violated the *Student Code of Conduct*. The standard is met when the information brought forth for the conduct case is more likely to be true than not true.

This document provides an explanation of the process involved for responding to allegations of student misconduct, in addition to explaining what actions the College will take in dealing with violations of the Code. The *Student Code of Conduct* includes procedures for investigating and processing violations for the Code. Individuals seeking information regarding investigating and processing violations related to Gender-Based and Sexual Misconduct Policies and Procedures should reference Policy Manual II: Campus Community Policies.

Section 1: Rules of Student Conduct

The Board of Trustees bears full responsibility for the College as a corporate entity. It determines the general educational policies of the College. The President is the Chief Executive Officer of the College, and has the general responsibility for administering the policies approved by the Board of Trustees. Responsibility for regulations and standards in the area of student life is in turn, delegated to the Chief Student Development Officer or a designee. While exercising these powers, the Board of Trustees and College Administration acknowledge and affirm the rights and responsibilities of students as defined herein, as well as rights and responsibilities which are inherent in the educational process.

Conduct that occurs off-campus, over social media, online, or outside the context of a College program or activity may be subject to disciplinary action if the conduct disrupts the regular operations of the College or threatens the safety and security of the Medaille College community.

Students or student organizations engaging, attempting to engage, or assisting in the following are subject to disciplinary sanctions:

1. Conduct that violates any local, state, or federal law, rule and/or regulations or any rules and regulations established by the Board of Trustees of Medaille College.
2. Possession, use and/or storage of air guns, firearms, rifles, shotguns, and other weapons, explosives, dangerous objects or chemicals, even if legally possessed, on College property or at that official College function.
3. Violation of any provision of the *On Campus Housing License and Residential Policies*.
4. Theft or attempted theft or unauthorized possession, or use of college property or services or the property or services of others. Property also includes, but is not limited to, data and information stored on electronic or computer media and passwords.

5. Tampering with any safety system, including any fire safety equipment, fire alarm equipment and/or setting off alarms in any building or on College premises or intentionally interfering with or failing to follow emergency procedures.
6. Damage to or destruction of college property or the property belonging to others on or off campus.
7. Intentionally overloading, damaging, dismantling or tampering with elevators or elevator equipment.
8. Trespassing/unauthorized use of facilities and services. No person shall enter into and/or utilize any college facility or service without proper authorization. No one shall enter a facility from which they have been restricted, as a part of a student conduct sanction.
9. Unauthorized possession, duplication or use of any keys to any College premises or unauthorized entry to or use of College premises.
10. Unauthorized presence. Students who have no specific legitimate reason for being in College buildings or on campus grounds may be subject to a charge of unauthorized presence. This includes, but is not limited to, being present in buildings and facilities that are officially closed or where the individual does not have a College official's written permission.
11. Advertising, soliciting, or selling any goods or services on campus without prior written permission from the Vice President for Student Development or designee. Unaddressed handbills, announcements, election flyers, or advertisements are not to be placed under campus doors or on vehicles on campus property.
12. Smoking, vaping, and e-cigarettes are prohibited on all College managed property, both indoors and outdoors and in all College vehicles.
13. Disorderly and/or disruptive conduct that interferes with normal operations of the College or infringes on the rights of others, and includes leading or inciting others to disrupt scheduled and/or normal activities associated with the College.
14. Harassment, which may include any of the following:
 - a. Unwelcome conduct directed against a person based on one or more of that person's protected characteristics or status, including age, color, race, disability, marital status, national/ethnic origin, religion, veteran status, sex [including pregnancy], gender expression or gender identity, sexual orientation, political activities or genetic information, and which constitute more than petty slights and trivial inconveniences;¹

¹ Harassment on the basis of sex, including gender expression or gender identity, and sexual orientation, are also prohibited, but are included in #18 below.

- b. Threatening or intimidating behavior, which would cause a reasonable person to become fearful;
 - c. Engaging in a course of conduct or repeatedly committing acts directed at another person, which would seriously annoy a reasonable person;
 - d. Creating a condition which places another person in fear of their health, safety or welfare or that actually endangers or threatens the health, safety or welfare of another person; and
 - e. Physically restraining or detaining another person or forcibly removing any person from any place where they are authorized to remain.
15. **Physical Assault.** Any act that intentionally or recklessly causes physical injury to another person and/or causes such injury to the person or a third person. Physical assault includes, but is not limited to, inflicting bodily harm upon any person, taking any action for the purpose of inflicting harm upon any person, or subjecting another person to unwanted physical contact.
16. **Hazing.** Hazing is, regardless of intent, any action that degrades, humiliates, abuses or endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group, team or organization, whether officially recognized or not, by the College. Hazing includes being present during activities that constitute hazing or having knowledge of it, and failing to report it. The express or implied consent of the victim(s) does not mean that hazing did not occur or make the conduct permissible.
17. **Sexual/Gender-Based Misconduct** is a broad range of prohibited behaviors. All sexual misconduct cases will be managed through the Gender-Based and Sexual Misconduct Policies & Procedures Section in Policy Manual II: Campus Community Policies. For the purposes of this Code, these behaviors include:
- a. Dating violence;
 - b. Domestic violence;
 - c. Stalking;
 - d. Sex and/or Gender-based discrimination;
 - e. Sexual harassment;
 - f. Non-consensual sexual contact;
 - g. Non-consensual sexual intercourse;
 - h. Sexual exploitation.
18. **Abuse of the Student Conduct System**, including but not limited to:
- a. Failure to comply with the instructions of a student conduct officer, student conduct body or College official.
 - b. Disruption or interference with the orderly conduct of a student conduct proceeding.

- c. Providing false or misleading information to the student conduct officer or College official.
 - d. Attempting to discourage an individual's participation in, or use of, the student conduct system through intimidation or any other means.
 - e. Retaliating against an individual who made a complaint/report, served as a witness, opposed the reported conduct, is a friend or acquaintance of the person who made a complaint/report, or participated in the student conduct process.
 - f. Attempting to influence the impartiality of a student conduct officer prior to, and/or during the course of, the student conduct proceeding.
 - g. Harassment (verbal or physical) and/or intimidation of a member of student conduct officer prior to, during, and/or after a student conduct proceeding.
 - h. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
 - i. Violating any disciplinary sanction imposed in accordance with the *Student Code of Conduct*.
19. Failure to identify oneself or present a valid student identification card when requested to do so by any faculty, staff, or student staff or law enforcement officer in the performance of official duties.
20. Failure to comply with the reasonable and lawful requests or directives of College officials or law enforcement officers acting in performance of their duties and/or interference with faculty, staff, or student staff acting in the performance of their official duties. Compliance includes, but is not limited to, appearing at offices when directed to do so, showing identification and leaving areas when directed to do so.
21. Forgery or any other act of knowingly furnishing false information to the institution in the form of a false complaint or report or unauthorized alteration or use of institutional documents, including those stored on electronic or computer media, or instruments of identification (such as an ID card).
22. Falsifying information or failing to report required information (such as a previous college attendance, prior conduct sanction or felony history) on any admissions application or related materials.
23. Theft or other abuse of electronic technologies, including but not limited to:
- a. Unauthorized entry into a system (voice/data/video/mechanical/security), to use, read or change the contents, or for any other purpose;
 - b. Unauthorized transfer of a file;
 - c. Unauthorized use of another individual's identification and password;
 - d. Intentional use of computing facilities to interfere with the operation of any computer system;

- e. Use of electronic mail/instant messages to send chain letters, harassing messages;
 - f. Use of College computing facilities for commercial activities;
 - g. Unauthorized transfer/copying of copyright material (e.g., software, mp3 files) that is not protected by fair use; and
 - h. Gaining unauthorized access to data or information on College files, including those files on electronic or computer media, or to data or information which is the property of a member of the community stored on the College's electronic computer media.
24. Prohibited substances². The following behaviors related to substance use, whether on or off campus, are prohibited at Medaille College:
- a. Unlawful possession of a prohibited substance;
 - b. Purchasing a prohibited substance;
 - c. Manufacturing a prohibited substance;
 - d. Distributing a prohibited substance;
 - e. Selling a prohibited substance;
 - f. Using or being under the influence of any controlled substance (as defined in NYS Public Health Law 3306), or synthetic cannabinoids;
 - g. Abuse of over-the-counter drugs;
 - h. Abuse, exchange and/or distribution of prescription drugs prescribed to self or other persons;
 - i. Possession of drug paraphernalia including but not limited to hookahs, pipes, and other smoking devices, weights, scales, and/or rolling papers; and
 - j. Being in the presence of a prohibited substance.
25. Alcohol violations². The following behaviors related to alcohol use, whether on or off campus, are prohibited at Medaille College.
- a. Consumption under twenty-one (21) years of age;
 - b. Possession under twenty-one (21) years of age;
 - c. Distribution to someone under twenty-one (21) years of age;
 - d. Purchase of alcoholic beverages by any persons less than twenty-one (21) years of age;
 - e. Possession of alcohol paraphernalia;
 - f. Public intoxication, regardless of age;
 - g. Driving while intoxicated; and
 - h. Being in the presence of alcohol when under the age of twenty-one (21).
26. Parking. Students parking on campus or at the Buffalo Zoo are required to have a valid parking permit from Public Safety. Students should not park in designated

² **Parental Notification.** As permitted by the Family Educational Rights and Privacy Act, the student conduct officer or designee may notify the parents of students under the age of 21, who are found responsible for drug violations of the *Student Code of Conduct*. In addition, parents may also be notified for other violations of the *Student Code of Conduct*, as permitted by the Family Educational Rights and Privacy Act (FERPA).

spaces on campus reserved for other individuals. (i.e. Office of the President, Visitor Parking, No Parking Zones).

27. Responsibility for Guest(s). Students will be held accountable for the behavior of all guests in accordance with all College alcohol policies. Therefore, all students are responsible for the actions of their guests for any violations of the *Student Code of Conduct* committed on College premises, or at College sponsored or supervised functions. Students will be held responsible for damage to or loss of College property by the actions of their guest(s) and may be required to reimburse the College, or the student's account may be charged accordingly. Students are expected to take reasonable action to prevent their guests from violating College policies and are expected to remain with their guests for the length of their visit. The College reserves the right to restrict any guests from campus who violate the *Student Code of Conduct*, in the interest of the general welfare of the College community.

Section 2: Student Conduct Definitions

1. "Student" means an individual taking courses at Medaille College either full time or part time, matriculated or non-matriculated, pursuing undergraduate, graduate, or professional studies, including, individuals on college premises for any purpose related to enrollment such as orientation activities. Persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the College are considered "students." This includes persons who withdraw after an alleged violation of the *Student Code of Conduct*, and persons who are living in the College's residence halls under a license with the College, although not enrolled in this institution.
2. "College official" includes faculty, staff, any/or any person employed by Medaille College performing assigned administrative or professional responsibilities.
3. "Medaille College premises" includes all land, buildings, facilities, and other property, including vehicles, in the possession of, or owned, used or controlled by, Medaille College (including adjacent streets and sidewalks). The *Student Code of Conduct* applies at all locations of Medaille College, including the Rochester Campus.
4. "Student organization" means any number of persons who have complied with the formal requirements for Medaille College recognition/registration.
5. "Policy" means the written regulations of Medaille College, as found in, the *Student Code of Conduct*, *On Campus Housing License and Residential Policies*, policy statements regarding sexual harassment and non-discrimination as well as bias and bias-related incidents, any policy listed on the College's website, the

College's Policy Manuals and the graduate/undergraduate catalogs. Copies of these policies can be found in their respective offices and at www.medaille.edu.

6. "Investigator" means that person(s) assigned by the director of residence life and student conduct, Title IX coordinator, or president's designee, to investigate allegations of a violation(s) of the *Student Code of Conduct*.
7. "Student Conduct Officer" means the Medaille College official authorized by the director of residence life and student conduct, vice president of student development or designees, or other investigator, to conduct a hearing, conference or investigative meeting with a student to discuss allegations of misconduct. The director of residence life/student conduct/vice president/president's designee may authorize the student conduct officer to impose sanctions in all cases.
8. "Student charged," "student organization charged," or "accused," means any student or student organization accused of violating the *Student Code of Conduct*.
9. "Reporting Individual" means any person or persons who have brought allegations against a student or student organization, alleging a gender-based or sexual misconduct violation, or any other violation of the *Student Code of Conduct*.
10. "Appeal officers" and "Appeal panel" mean the vice president for student development and any person authorized by the vice president to serve on the Appeal Panel to decide upon the appeal outcome for a student or student organization conduct case.
11. "Business days" used in this code with reference to scheduling and notification, refers to days in which the administrative offices of the College are officially open for business.
12. "Preponderance of the evidence" means the standard of proof required to determine if a student violated the *Student Code of Conduct*. The standard is met when the information brought forth in the conduct case is more likely to be true than not true.

Section 3: Student Conduct Authority

The President of the College has the ultimate authority in student disciplinary matters. However, responsibility for adjudication and other processing of most disciplinary matters is delegated to professional staff in certain institutional offices including, but not limited to, the director of residence life and student conduct, residence life staff, student conduct officers, Title IX coordinator, and the vice president for student development.

Section 4: Policies Pertaining to the Student Conduct System

1. **Good Samaritan Policy.** The term “Good Samaritan” is used to refer to a student(s) who summons medical attention for a person (including themselves) in need of medical assessment and/or treatment for a problem to which the student may have contributed or caused by participating in the use and abuse of alcohol and/or other drugs. While the College does not condone violations of the *Student Code of Conduct* or state and federal laws, the College may take into consideration potentially life-saving actions of students who act as “Good Samaritans” by reducing the disciplinary actions associated with alcohol and/or other drug use violations, including limited immunity to campus student conduct charges.
2. **Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases.** The health and safety of every student at Medaille College is of utmost importance. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to, domestic violence, dating violence, intimate partner violence, stalking, or sexual assault, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith, or a reporting individual acting in good faith, who discloses any incident of domestic violence, dating violence, stalking, or sexual assault to College officials or law enforcement will not be subject to the College’s Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.
3. **Audio recording meetings.** College official(s) will audio record meetings between students and investigators and/or the Title IX coordinator or designee, related to Sexual/Gender-Based Discrimination and/or Misconduct. For privacy reasons, neither students nor their advisors are allowed to record these meetings.
4. **Proceeding without a Reporting Individual.** In Sexual/Gender Discrimination and Misconduct cases, the College may proceed with an investigation and/or a hearing, without the participation of a reporting individual.
5. **Withdrawal during Conduct Action.** A student who withdraws from the College after being charged with a violation will not be exempt from campus student conduct action. The normal student conduct procedure may be followed at any time, but in all cases before a student is allowed to re-enroll. If a student withdraws during a preliminary review or investigation, a hold may be placed on the student’s account until the case is resolved. This hold will restrict the student from registering and being able to obtain an official transcript. The College may hold a hearing even if an accused student has withdrawn, and if it does, the accused student will receive due notice. If the College does not hold a hearing,

and the case remains unresolved, an accused student who withdraws prior to a conduct hearing will have a notation on his/her transcript that reads, "Withdrew with conduct charges pending".

6. **Receipt of Diploma for Suspended or Dismissed Graduating Senior.** A graduating senior who is found responsible for a violation and who is suspended for a period extending beyond their graduation date may not receive the diploma until the term of suspension has been served and all requirements of their sanctions are fulfilled. A graduating senior who is found responsible for a violation and who is dismissed prior to receipt of their diploma may not receive the diploma.
7. **Maintenance of Records.** A student's student conduct record will be maintained for a period of seven (7) years from the date of the last entry or until the student graduates, except in a matter of suspension or dismissal, in which case the record is maintained indefinitely.
8. **FERPA.** In accordance with the Family Educational Rights and Privacy Act of 1974, the College may release information pertaining to individual student conduct cases to appropriate College personnel and to parents of students who are dependent. Information from a student's student conduct file will not be made available, without the student's written consent, to anyone other than the student, appropriate College personnel, and parents of dependent students, except by court order or lawfully issued subpoena unless otherwise allowed by FERPA.
9. **Additional Information re: Hearings.**
 - a. A student who is charged with a violation just prior to the termination of a semester will be given a hearing as soon as is feasible after the semester ends, including during breaks when the College is open. Responding parties and reporting individuals alike, who leave the Buffalo area, are responsible for transportation and other expenses related to their right to be present at the scheduled hearing
 - b. Failure to appear in response to the charge(s) on the date fixed for the hearing, unless there has been a continuance approved by the student conduct officer prior to the hearing, will result in the hearing being held without the responding party. The hearing will be held and a determination of responsibility/non-responsibility and recommended sanction, if any, will be made. The student will be notified of the determination and, if applicable, the sanction(s). Within five (5) business days of the date of the notice of outcome/sanction, if the student shows good cause for failure to appear and failure to give prior notice of intention not to appear, the student conduct officer may withdraw the outcome/sanction and schedule a rehearing.

- c. Conduct hearings are audio recorded by the College. For privacy reasons, neither students nor their advisors are allowed to record the hearings.
- d. Cameras or other reproduction equipment, other than the College's audio recording device, are not permitted in a student conduct hearing, unless as a result of a reasonable accommodation.
- e. All student conduct hearings are closed; guests, with the exception of advisors, are not permitted.
- f. For preliminary reviews and formal administrative hearings, a student is entitled to be accompanied by one advisor. The advisor may be any individual of the student's choice. The hearing officer must be notified of such an advisor at least 24 hours prior to the hearing. The advisor shall have no role at the hearing other than to advise the student. The advisor shall not be permitted to ask or answer questions; or to make oral arguments.

Section 5: Students' Rights when Charged with a Violation

The College is obligated to determine whether the responding party is found responsible or not responsible of a Code violation. The College may find the responding party "responsible" if the responding party makes an admission of responsibility or the conduct officer finds the student responsible for violation of the *Student Code of Conduct*, supported by a preponderance of the evidence. If there is no admission and the charge(s) are not supported by a preponderance of the evidence, then the responding party will be found "not responsible."

In cases related to Sexual/ Gender-based Discrimination and Misconduct, students are encouraged to review their rights as outlined in the Gender-Based and Sexual Misconduct Policies & Procedures Section in Policy Manual II: Campus Community Policies (Section 2.4). In preserving the rights of the individual student in general student conduct cases, students shall have the following rights:

1. A student charged with violating the *Student Code of Conduct* has the right to a fair and reasonable process for handling the charges.
2. The student has the right to be informed of the procedures that will be used in adjudicating the charges against them, including but not limited to notice of the charges, deadlines associated with stages of the process, the kinds of evidence that may be submitted at each stage, and the availability of appeals processes, if any.
3. The student has the right to be present during those portions of any hearing in which witnesses provide evidence relating to the charge.
4. The student who is participating in a hearing/proceeding at which evidence may be submitted is entitled to request the College make a good faith attempt to compel the attendance of witnesses, compel the production of documents, and

provide a reasonable time period within which requests for witnesses and documents can be submitted and acted upon.

Section 6: Student Conduct System

1. Student Conduct Coordination

The director of residence life and student conduct oversees and administers the student conduct system at Medaille College.

Responsibilities of the director of residence life and student conduct include, but are not limited, to:

- a. Administers the student conduct system.
- b. Publishes the Code of Student Conduct annually and recommends revisions that are subject to the approval of the vice president for student development or designee.
- c. Provides availability of the *Student Code of Conduct* to any party, upon verbal or written request to the student conduct coordinator.
- d. Functions as a student conduct officer, trains and supervises other student conduct officers appointed by the vice president for student development or designee. The director of residence life and student conduct assigns student conduct cases among the student conduct officers for preliminary review and resolution.
- e. Monitors the process for receiving charges against individual students for violations of College regulations.
- f. Conducts an investigation (preliminary or full investigation) to determine if the charges have merit.
- g. Recruits and trains students, faculty, and staff conduct board members.
- h. Arranges conduct boards for formal hearings as required and presents student conduct cases at these hearings.
- i. Maintains the official student conduct records resulting from enforcement of the Code of Student Conduct.

2. Student Conduct Officers

Student conduct officers, including but not limited to, the director of residence life and student conduct and residential life staff, are appointed by the vice president

for student development or designee to adjudicate student conduct cases. The student conduct officer:

- a. Upon receipt of an incident report and/or complaint, schedules a preliminary review with each student who has been charged. Students may choose to have the student conduct officer hear the case during the preliminary review or may have the case referred to the director of residence life and student conduct for a formal administrative hearing.
- b. Determines the sanction to be applied, when: 1) the student has admitted to charges in a preliminary review; or 2) is found responsible in a formal administrative hearing.
- c. Officially communicates all student conduct charges and decisions to each student so charged, and communicates with any other College officials who have a legitimate interest in the disciplinary status of the student.
- d. Transmits student conduct files to the director or designee for filing when a case has been resolved.

3. Preliminary Review

A preliminary review is a meeting to explain charge(s), the student's rights, and potential sanctions. A student may accept responsibility during the preliminary review in which the student conduct officer will determine the sanction(s) to be applied. If a student denies responsibility for charges, they must have a formal administrative hearing.

4. Formal Administrative Hearing

A formal administrative hearing consists of a student conduct officer who is assigned to adjudicate the student conduct case. A hearing is scheduled when a student believes they are not responsible for a violation of the student code of conduct, and is the student's opportunity to explain and demonstrate why they are not in violation of college policies.

5. Appeals Chair and Panel

- a. In General Student Misconduct cases, the vice president for student development or designee will hear appeals of student conduct cases and student organization conduct cases.
- b. In Sexual/Gender-Based Discrimination and Misconduct cases, please refer to the appeals section of the Gender-Based and Sexual Misconduct Policies & Procedures Section in Policy Manual II: Campus Community Policies.

Section 7: Sanctioning

1. **Interim Measures.** The student conduct officer, Title IX coordinator³ or vice president for student development or designee may impose interim measures, including interim suspension and loss of privileges, which may include residence hall relocation, no contact orders, and other reasonable measures, upon learning of a possible *Student Code of Conduct* violation. Loss of privilege interim measures may remain in place regardless of whether an investigation is conducted and regardless of outcome, if a hearing is held. Students have the right to challenge the terms of the interim measure(s) or request a modification, by submitting a letter and any supporting documents, to the vice president for student development or designee within three business days. A decision will be made within five business days of the request.
 - a. **Interim Suspension.** An interim suspension may be implemented immediately and without prior notice, imposed by the president or designee: i) to ensure the safety and well-being of members of the College community or for the preservation of College property and/or ii) if the student poses a significant threat of disruption of or interference with the normal operations of the College. This is a temporary suspension, during which the student will be restricted from all or any portion of the College premises, including classes, access to the residence halls or other campus facilities, and/or all other College activities or privileges for which the student might otherwise be eligible, as determined to be appropriate by the president or designee. The student may request a review in writing to challenge the basis for such suspension. Absent such a request, these restrictions will remain in effect until the conclusion of i) an investigation and/or conduct board or administrative hearing; or ii) the criminal proceeding against the student, if applicable; at which time conditions for reinstatement to the College may be specified.
 - b. **Loss of Privileges.** The student may be denied specific privileges for a designated period of time. The student conduct officer may designate any of the following loss of privileges to students against whom no conduct charges have been brought, if there is concern for the well-being of either the student(s), or the community, or to prevent disruption to the College community. Loss of privilege may include, but is not limited to:
 - i. **Facility Restriction.** The student may be denied use of or may otherwise be restricted from specified campus facilities.
 - ii. **Social Restriction.** The student may be restricted from participation in College-sponsored activities for a specified period of time.

³ The Title IX coordinator will only be involved in Sexual/Gender-Based Discrimination and Misconduct cases.

- iii. **Residence Hall Relocation.** The student may be relocated to a different residence hall or removed from residential life for a specified period of time.
- iv. **Guest Privilege Restriction.** The student may be restricted from having guests on campus for a specified period of time.
- v. **No Contact Order.** This may include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, and may be for a specified period of time.

NOTE: More than one stated interim measure may be imposed.

2. **Disciplinary Actions and Sanctions.** The preceding interim measures and following disciplinary actions and sanctions may be imposed by a student conduct officer or conduct board, upon a finding that a student or a student organization has violated the *Student Code of Conduct* and/or the *On Campus Housing License and Residential Policies*:

- a. **Official Warning.** This is an official acknowledgment that the student's behavior violated a rule(s), and indicates more severe disciplinary sanctions may result if the student is found responsible for further violations.
- b. **Conduct Probation.** Conduct Probation may be issued for a period of up to four semesters and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating the *Student Code of Conduct* or College policies during the probationary period. Any violation committed during the probationary period may result in a review of the student's status at Medaille College.
- c. **Conduct Suspension.** This is the separation of the student from the College for a definite period of time. Conduct suspension may be issued for up to four semesters. Students who have been suspended are restricted from access to campus premises except by written permission from the vice president for student development or designee. Conditions for readmission may be specified.
- d. **Conduct Dismissal.** This is the permanent dismissal of the student from the College without opportunity to re-enroll in the future. Students who have been dismissed are restricted from access to campus premises except by written permission from the vice president for enrollment management and student affairs or designee.

- e. **Persona non Grata.** This is an exclusion from College property/buildings for a specific or indefinite period of time.

NOTE: Recommendations for interim suspension, conduct suspension and conduct dismissal are forwarded to the vice president for student development or designee.

- 3. **Discretionary Disciplinary Action/Sanctions:** The student conduct system promotes an educational response in an effort to enhance student development. In cases involving individual students or student organizations, the student conduct officer may consult with campus offices that provide oversight to the student organization to determine sanctions that promote safety, education, and student development. In addition to disciplinary action/sanctions, the following conditions may apply:
 - a. **Developmental Experience.** The student may be required to attend and/or participate in a workshop, group, program, and/or other related assignment. Students will be responsible for any associated costs.
 - b. **Behavioral Agreement.** The student may be required to follow clearly defined behavioral expectations and standards established by the student conduct officer. The student may be subject to further disciplinary action if they fail to follow such behavioral standards.
 - c. **Restitution.** The student may be required to compensate for loss, damage, defacement, theft, injury, or unauthorized use of property. This may take the form of monetary or material replacement and/or appropriate service.
 - d. **Community Service.** The student may be assigned College community service, working in a campus department, or at a specified site within the local community. Failure to complete the assignment may result in a more severe sanction.
 - e. **Residence Hall Reassignment.** The student is reassigned to another room and/or hall and may be restricted from their former residence.
 - f. **Removal from the Residence Halls.** The student may be required to move out of their residence hall and be restricted from living on campus for a specified period of time and/or on a permanent basis.

NOTE: More than one stated disciplinary action/sanction may be imposed for any single conduct violation.

Section 8: Student Conduct Procedures

The College's Student Conduct System manages all charges brought against any student or student organization for alleged violation of the *Student Code of Conduct* and

maintains the exclusive authority to impose disciplinary sanctions. It is the responsibility of the hearing body to determine whether the alleged behavior constitutes a violation of the *Student Code of Conduct*. The hearing bodies are not courts of law; therefore, the formal rules of civil or criminal procedure and the rules of evidence do not apply.

Conduct System procedures are divided into two distinct parts: General Student Conduct Case Policies and Procedures and Sexual/Gender-Based Discrimination and Misconduct. General Student Conduct Case Policies and Procedures can be found below. Procedures related to Sexual/Gender-Based Discrimination and Misconduct cases can be found in Gender-Based and Sexual Misconduct Policies & Procedures Section in Policy Manual II: Campus Community Policies (Section 2.4.5). Gender-Based and Sexual Misconduct policies and procedures comply with Title IX federal regulations, Violence Against Women Act (VAWA) reauthorization, the Clery Act, Office for Civil Rights guidance, and New York State law, including New York Education Law, Article 129-B.

General Student Conduct Case Policies and Procedures

1. **Conduct Charges/Complaint:**

- a. Any member of the College community may make a report against any student or student organization (collectively, “student”) for misconduct.
- b. Allegations of misconduct may be submitted online at https://cm.maxient.com/reportingform.php?MedailleCollege&layout_id=0 or directly to any of the following offices, as applicable:
 - i. Residence Life and Student Conduct; and/or
 - ii. Public Safety or law enforcement agencies.
- c. The director of residence life and student conduct may assign the matter to a student conduct officer.

2. **Investigation.** A preliminary investigation of the incident(s) may precede a full investigation. The student conduct officer assigned to the case may complete a further investigation of the incident. Following the preliminary or full investigation, the student conduct officer may bring charges against the responding party if reasonable information supports the charge(s). An investigation is not a hearing.

3. **Notice of Student Conduct Charges/Hearing.**

- a. The student conduct officer will contact the responding party in writing to notify them of the charges being brought by the College, and schedule a time and place to meet. The responding party is sufficiently notified if informed in person, electronically at the student’s Medaille College e-mail address, or if the notice is personally delivered to them or mailed to their local and/or home address that appears in official College records.
- b. If the responding party fails to attend a scheduled preliminary review after receiving personal notification, they will be deemed to have waived their

right to an administrative hearing. The student will be notified in writing of the charges against them for a second time, and the date, time and location of the hearing. If the student fails to attend the second meeting request, a hearing and decision will be made in absentia.

4. **Informal Resolution.** When a case involves conflict among students, groups, or organizations, the student conduct officer will assess whether mediation or restorative conferencing would be an appropriate means for resolution. The director of residence life and student conduct must approve the request.
5. **Hearing Process.** The hearing will not follow a courtroom model, and formal rules of evidence will not be observed.
 - a. **Privacy of the Hearing Process.** In order to comply with FERPA and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. FERPA is not applicable to cases in which student organizations are charged as a group.
 - b. **Procedure for Hearing.** When there are multiple students involved in an incident, the student conduct officer will determine the order of the student(s) and witnesses and will resolve any questions of procedure that arise during the hearing.
 - i. Each student will be given the opportunity to provide a statement at the beginning of their individual hearing.
 - ii. If the student conduct officer determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the student conduct officer may delay an immediate decision in order to collect information relevant to the specific case.
 - c. **Decision.** The student conduct officer will make their decision by using the preponderance of evidence standard. The student conduct officer will provide their decision in writing to the student within ten (10) business days after the conclusion of the hearing.
 - d. **Sanction.** The student conduct officer will determine sanctions in consultation with the director of residence life and student conduct. In determining an appropriate sanction for a student who is found responsible, the student conduct officer may consider any record of past violations of the *Student Code of Conduct*, as well as the nature and severity of such past violation(s). The student conduct officer will also consider as part of its deliberations whether the student poses a continuing risk to the College community.

- e. **Effective Date of Sanction.** Sanctions are effective once the student conduct officer issues notice of the outcome and sanctions to the student. The vice president of student development or designee may suspend the student conduct officer's determination while the appeal is pending, or allow the responding party to attend classes or participate in other activities on a supervised or monitored basis, or make such other interim modifications to the determination as may be advisable. The vice president of student development or designee's interim decision may not be appealed.
- f. **Appeals Process.** Any student/student organization found responsible for a violation of the *Student Code of Conduct* shall have the right to appeal by submitting a letter, not more than five pages, in opposition to the hearing outcome and/or sanction(s).
 - i. Appeals are made to the vice president for student development or designee. The student/student organization must make an appeal in writing within two (2) business days after notice of the written decision.
 - ii. An appeal may be heard on the following grounds only:
 - Due Process. The conduct board or student conduct officer failed to observe the procedural or substantive requirements established by the *Student Code of Conduct*;
 - Severity of Sanction. The sanction is "too severe" or "not severe enough" based on the proven violation; and
 - New Evidence. New evidence has appeared that: a) was not known at the time of the original hearing; b) could not have reasonably been discovered at the time of the original hearing; and c) is material, so may have had an impact on the outcome of the original conduct decision.
 - iii. Students and members of student organizations do not have the opportunity to meet with the appeal officer, unless, in the appeal officer's discretion, a meeting would serve to clarify an issue on appeal.
 - iv. The appeal officer may take any of the following actions:
 - Affirm the findings and sanctions of the original conduct official;
 - Modify the findings and/or sanctions;

- Determine the student/student organization is not responsible for the charge(s); or
 - Remand for a new hearing.
- v. In appeals by the accused involving claims of improper or excessive sanctions, decisions following appeal cannot result in more severe sanctions for the accused student. The decision and sanction(s) resulting from any appeal will be sent to the respondent, reporting individual, president of the College and/or persons and offices notified of the original sanction(s).
- vi. The procedure for appeals regarding Sexual/Gender-Based Discrimination and Misconduct offenses are included in Medaille College's Policy Volume II.

NOTE: Appeals may either be submitted electronically or delivered in hard copy to: Appeals Officer, Vice President for Student Development, 2nd Floor, Sullivan Center, or designee.