

2022-2023

**Standards of
Student Conduct:**
PROCESSES & POLICIES



STANDARDS OF STUDENT CONDUCT
Processes and Policies
Effective Date: August 17th, 2022

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This guide is available online at <http://www.rochester.edu/college/cscm/conduct.html>

As a community, the University of Rochester is defined by a deep commitment to **Mellora** – ever better. Embedded in that ideal are the values we share: **equity, leadership, integrity, openness, respect, and accountability.**

Together, we will set the highest standards for how we treat each other to ensure our community is welcoming to all and is a place where all can thrive.

Our Vision

The University of Rochester will continue to frame and solve the greatest challenges of the future. We are a community in which all who work, teach, create, and provide care are welcome and respected, and where all can pursue and achieve their highest objectives for themselves, their community, and the world.

Steeped in Rochester's rich history of social justice and entrepreneurial spirit, we will always be an inclusive, equitable, sustainable, and responsive organization at every level.

Our Values

We will hold ourselves accountable to these values in the design of our programs, the development and delivery of our services, the evaluation of performance, and the ways in which we interact as a community.

MELIORA – We strive to be ever better, for everyone.

EQUITY – We commit to diversity, inclusion, and access.

LEADERSHIP – We take initiative and share responsibility for exemplifying excellence.

INTEGRITY – We conduct ourselves with honesty, dedication, and fairness.

OPENNESS – We embrace freedom of ideas, inquiry, and expression.

RESPECT – We value our differences, our environment, and our individual and collective contributions.

ACCOUNTABILITY – We are responsible for making our community ever better, through our actions, our words, and our dealings with others.



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

Student Code of Conduct

Students are expected to conduct themselves in a way that respects the cooperative standards of our community and accords with the University's educational mission. This includes obeying federal, state and local laws as well as the policies listed below. Not knowing or understanding these standards and policies is not a defense or excuse. Possible violations of University standards or policies include:

1. Disorderly conduct is any actual or attempted conduct that threatens the health or safety of oneself or others. This includes, but is not limited to, fighting, threats, assault, or harassment. Harassment consists of any unwanted conduct that is intended to cause, or could reasonably be expected to cause, an individual or group to feel intimidated, demeaned or abused, or to fear or have concern for their personal safety—where this conduct could reasonably be regarded as so severe, persistent, or pervasive as to disrupt the living, learning, and/or working environment of the individual or group.
2. Possession, distribution or use of weapons of any kind, including but not limited to firearms, BB or pellet guns, knives, bows and arrows, stun guns, paintball guns, and anything else that counts as a weapon as defined in the [Weapons Policy](#).
3. Possession, distribution or use of any other items presenting an actual or potential threat to the safety and well-being of others (including combustible materials or other items in violation of the Fire Safety Code, available at http://www.safety.rochester.edu/homepages/fsu_homepage.html), or tampering with fire safety apparatus or operating it for any purpose other than its intended use.
4. Any act that constitutes harassment or discrimination under federal or state laws or regulations or any violation of our [Sexual Misconduct Policy](#), [Title IX Policy](#), or [Policy Against Discrimination and Harassment](#).
5. Any actions (whether on or off University premises) that relate to joining, or ongoing membership in, any group and that intentionally or recklessly create a situation that could reasonably be expected to cause physical or psychological discomfort, embarrassment, or degradation, regardless of a student's willingness to participate in the activity, as described in the [University Hazing Policy](#).
6. Any alcohol-related violation of the University Alcohol and Other Drugs Policy ([Alcohol and Other Drugs Policy](#)).
7. Any (non-alcohol) drug-related violation of the University Alcohol and Other Drugs Policy ([Alcohol and Other Drugs Policy](#)).
8. Actual or Attempted: (a) theft of the property of the University or others, and/or (b) damage to the property of the University or others.

9. Unauthorized use or misuse of or entry into property or facilities.
10. Misuse of University computers and computing systems, including copyright infringement violations, as specified in the [Computer Use Policies](#).
11. Fraud; misrepresentation; forgery; falsification or misuse of documents, records or identification cards; or intentionally providing incomplete information in connection with an investigation into alleged policy infractions.
12. Non-cooperation with any part of the process related to addressing student misconduct, including dishonesty or failure to comply with a directive of a conduct officer or body.
13. Failure to comply with any reasonable request of a University official acting within the scope of their duties.
14. Any act of intimidation or retaliation intended or likely to dissuade a reasonable person from making a complaint, furnishing information, or participating in a conduct process.
15. Complicity in misconduct. Students are expected to disengage themselves from all acts of misconduct and report serious code violations to appropriate authorities.
16. Failure to take reasonable steps to prevent a guest from violating the code of conduct.
17. Behavior that negatively impacts the normal pursuit of academic, administrative, extracurricular or personal activities, or that violates any University policies or rules.

* * *

****If a weapon is discovered, Public Safety staff will confiscate it and turn the item over to the appropriate law enforcement agency. In cases where the term "weapon" is subject to interpretation, students are expected to comply fully with Public Safety staff directives. Possession of weapons may result in arrest, and suspension or expulsion from the University.**

The University of Rochester views the conduct system as only one tool to address student behavior and concerns. The Center for Student Conflict Management and the Office of the Dean of Students as a whole seeks to include a variety of individuals in the University community in assisting students in the pursuit of positive growth and a fulfilling college experience.

STATEMENT ON STUDENT EXPECTATIONS THROUGHOUT COVID-19 PANDEMIC

All University of Rochester students are expected to abide by federal, state, and University mandates intended to minimize the spread of COVID-19. Policies are subject to change at any time as the pandemic changes and public health recommendations are revised. Any student found in violation of a COVID-19 related policy or other restrictions may be referred to the conduct process.

DIVISION OF JURISDICTION AND RESPONSIBILITY

- A. Authority to hold students¹ and organizations² accountable through the conduct system is vested in the president of the University by the University's bylaws. This authority has been delegated through the dean of the college and dean of students to the Assistant Dean of Students and Director of the Center for Student Conflict Management, also referred to as the judicial officer, in the Office of the Dean of Students for all non-academic conduct incidents involving both undergraduate and graduate students. The judicial officer may designate another staff member to perform the duties of the judicial officer at any time. (Throughout this document the term "judicial officer" should be interpreted to mean judicial officer or designee.) The judicial officer may delegate the responsibility of adjudicating non-academic conduct incidents to conduct officers or hearing boards. These conduct officers/hearing boards determine whether an alleged violation of the standards of the University community occurred by the preponderance of the evidence. If the officer/board finds that a violation did occur it further determines the response which is most likely to benefit both the individual student and the larger University community. As the University official responsible for conduct, the judicial officer receives the recommendation of these conduct officers/boards on behalf of the University, accepts or modifies the recommendation, and formally implements University disciplinary action.
- B. Jurisdiction over cases of academic misconduct is delegated to the appropriate academic body from each school.
- C. The fundamental criterion for deciding whether a matter is academic or non-academic is whether the student was acting in a scholarly or professional capacity. When the incident involves a student acting in their role as a student, teaching assistant, or expert in their discipline, then the matter is an academic matter. When the incident involves a student acting as an individual independent of these roles, then the matter is non-academic. The available hearing procedures are not intended to be mutually exclusive: it is possible that a student could be subject to both academic and non-academic discipline for the same misconduct.
- D. Discretionary responsibility for handling extreme cases, where such action is essential for maintaining the orderly processes of the University, is retained by the President or a delegate.
- E. Other officers and agents of the University may promulgate rules and regulations applicable to students in particular situations independent of these procedures and guidelines. These officers and agencies shall report serious violations of such rules and regulations to the judicial officer.

Conduct Officers/Bodies

There are five different conduct bodies available for resolving alleged violations of the standards of the University community. They are as follows:

- **Residential Life Staff:** Residential Life Graduate Staff, Area Coordinators, Associate Directors, and Directors process most Responsible Options. These professional staff members resolve, whenever possible, alleged violations of policies occurring in their respective living areas. They are authorized to issue the full range of responses up to, but not including, suspension from the University.
- **Administrative Conduct Officer:** An administrative conduct officer may conduct disciplinary hearings without a board or council by use of the responsible option, explained below. Administrative conduct officers are designated by the Judicial Officer and are authorized to issue the full range of University responses.
- **All Campus Judicial Council:** The ACJC is for undergraduate student cases within The College only and is made up of student justices including a chief and deputy chief. ACJC works in conjunction with, and is supported by, the Center for Student Conflict Management. This hearing body has authority to recommend the full range of

¹ For the purposes of this document "students" are any person or group who is or was in attendance during an academic period in which misconduct occurred or between academic periods for continuing students.

¹ Official campus recognition or funding is not required in order to be considered an "organization" for the purposes of this document.

¹ For the purposes of this document "students" are any person or group who is or was in attendance during an academic period in which misconduct occurred or between academic periods for continuing students.

² Official campus recognition or funding is not required in order to be considered an "organization" for the purposes of this document.

University responses.

- **Administrative Conduct Board:** The Administrative Conduct Board is chaired by at least two University Administrators. In certain circumstances, members of the All-Campus Judicial Council may also be included in an Administrative Conduct Board. This conduct board is authorized to issue the full range of University responses.
- **Sexual Misconduct Hearing Board:** The Sexual Misconduct Hearing Board will consist of up to two adjudicators who may be University administrators or external hearing officers who receive annual training on issues related to sex and gender-based misconduct. This adjudicator(s) is authorized to issue the full range of University responses.

Referral to Restorative Circle

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

Restorative circles provide parties involved in a dispute with the opportunity to discuss the issue(s) that lead to the conflict in a safe, non-adversarial environment. Trained facilitators assist participants by helping to identify harms caused by the incident and strategies for repairing those harms. Parties directly involved are encouraged to be accompanied by a support person when attending the circle. Other individuals indirectly involved though directly impacted (friends, community members) may also be present to share their unique perspective and help identify strategies for repairing harm.

The circle typically meets twice, once to discuss the issues that lead to the conflict and once again to review the agreement that was developed during the first circle.

For more information about the Restorative Circles Process please contact the Center for Student Conflict Management at conflict.management@rochester.edu or call 585-275-4085.

THE UNIVERSITY AND THE PUBLIC LAW

- A. The University is not a sanctuary from public law and does not promote or condone unlawful behavior. The University cooperates with law enforcement authorities in a manner consistent with its legal duties and the interests of the University community.
- B. Students under prosecution for violation of public law may also be subject to University conduct proceedings, which are independent of those under public law. The University may take prompt action under its own procedures regardless of whether the public officials have disposed of the case or what disposition they make.
- C. Students may be subject to the University conduct system for allegations of misconduct that occurs on University property, or that occurs off campus if such off campus conduct is associated with a University activity, or raises considerable concerns that the individual or group poses a threat to the safety or welfare of the University community.

THE CONDUCT PROCESS

Please Note: The conduct process, including fundamental fairness principles and the appeal process, is different for cases of alleged Sexual Misconduct or violations of Title IX. The sections that follow, up to the heading “Basic Rights and Expectations,” do not apply to Sexual Misconduct or Title IX allegations. Please consult the [Sexual Misconduct policy](#) and the [Title IX Policy](#) for specifics.

Any member of the University of Rochester or surrounding community (students, staff, faculty, Public Safety, local law enforcement, local citizens/groups, others, etc.) may report an alleged nonacademic violation of the Code of Conduct by a student. Individuals who wish to file a report, or who have questions about policies or procedures, should contact the appropriate office below:

- [Center for Student Conflict Management](#) – all University of Rochester students
- [Office of Student Life](#) – Eastman School of Music

- [Department of Public Safety](#)- all University of Rochester students
- [Office of Residential Life](#) – River Campus (Directors, Associate Directors, Assistant Directors, Area Coordinators, Graduate Head Residents, Community Advisors, Resident Advisors)

The judicial officer will review the incident report or "complaint" and relevant documentation in order to determine whether or not there is sufficient cause to initiate the conduct process or pursue alternative means for resolution.

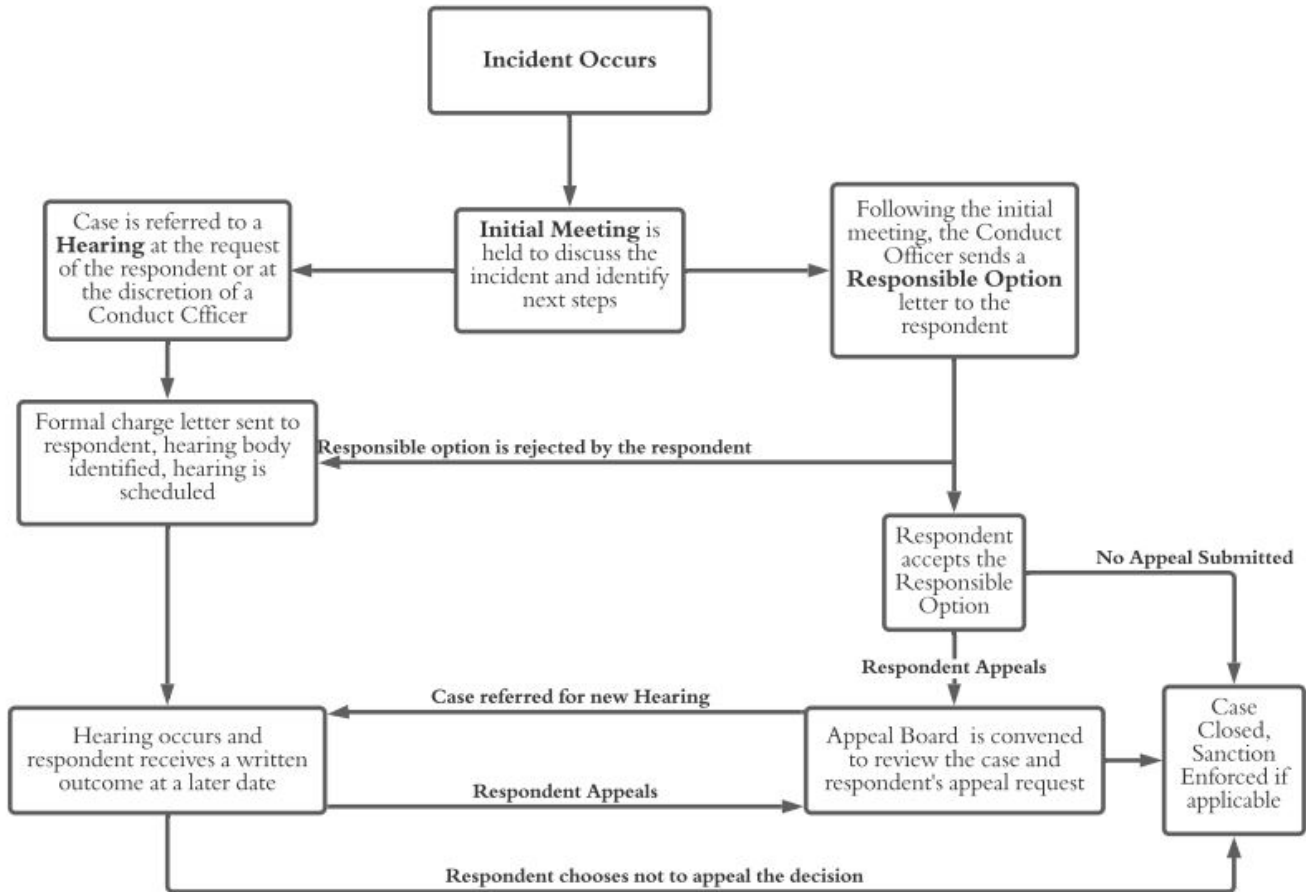
Possible resolution options are as follows:

- Dismiss the complaint.
- Decide that the complaint can be processed through informal means of resolution, such as restorative conference/circle. For more information please contact the Center for Student Conflict Management at 585-275-4085.
- Defer the case pending dismissal. Deferment periods are generally not expected to last more than one semester.
- Decide that the complaint contains grounds to reasonably believe that the University's policies, rules, or regulations have been violated and charge the student, on behalf of the University, accordingly. If this action is taken, several procedures are possible, as explained below.

Order of Conduct Process for Individual Students

- Initial Meeting(s):** When a student is reported to have engaged in behavior that may be detrimental to the University community a conduct officer will reach out to the student and schedule an initial meeting. During this meeting the student will have the opportunity to hear the report and share his/her/their perspective about what happened.
 - In most cases, a student is presented with a responsible option letter electronically following their initial meeting, which they may accept, decline, or appeal (See Responsible Options, below). If a student requests or is referred to a formal conduct hearing, a pre-hearing conference meeting will be scheduled with their advisor and a representative from the Center for Student Conflict Management.
 - In all matters where a student fails to schedule or appear for an initial meeting with a conduct officer, the case will be referred to either an Administrative or ACJC Hearing. The respondent will be sent a formal charge letter and be notified of the date/time of the hearing at least 7 days in advance.
- Pre-Hearing Conference Meeting:** During a pre-hearing conference meeting a member of the Center for Student Conflict Management meets with the respondent(s) and discusses the hearing process as outlined in the fundamental fairness section of this document on pages 9 and 10.
- Hearing:** The purpose of a formal conduct hearing is to determine the truth about a respondent's alleged misconduct. There are two forums for a hearing of non-Sexual Misconduct Violations (a) an Administrative Conduct Board and when the accused student is an undergraduate student in The College (b) a hearing with the All-Campus Judicial Council. Through an objective and fair process guided by the fundamental fairness standards below, the hearing board determines (a) whether, based on a preponderance of evidence (whether it is more likely than not), a violation occurred and (b) appropriate sanction(s) for a finding of responsibility.
- Post-Hearing Meeting:** After the hearing the judicial officer will communicate with the respondent to discuss the outcome of the hearing and share information about how to submit an appeal if one is warranted.

Conduct Process Flowchart for Individual Students



RESPONSIBLE OPTIONS

A student participating in a conduct process may be offered the opportunity to accept responsibility for the alleged policy violation(s) without participating in a conduct hearing. The responsible option, proposing a resolution consistent with similar violations, will be presented in a letter to the student. In all matters, the conduct officer has full discretion to arrange a hearing instead of offering a responsible option when they determine that the hearing process may be beneficial to the individual student or the larger University community.

The student must notify the conduct officer within two (2) calendar days after receiving the responsible option letter to indicate whether they accept responsibility and the proposed sanction(s), or whether they want a hearing on the charges. A student that accepts responsibility then has seven (7) calendar days from acceptance to appeal the sanction (see section on Appeals for details). If the appeal is denied, the sanction in the responsible option letter will be imposed.

If the student declines to accept responsibility and requests a hearing, the responsible option letter is not considered part of a student's conduct record nor is it provided to the hearing board. **Note: If no response to the responsible option letter is received by the deadlines described above, the applicable sanctions will be enforced. In rare circumstances, no response may also result in a case being referred to either an ACJC or Administrative Hearing.**

FUNDAMENTAL FAIRNESS IN HEARING PROCESS FOR NON-SEXUAL MISCONDUCT VIOLATIONS

A student will not be subject to official action for non-academic misconduct unless a. The student has had a conduct hearing; OR b. The judicial officer, has taken interim action (interim response pending a hearing); OR c. Discretionary responsibility for resolving the matter has been retained by the President or a delegate.

The fundamental fairness points outlined below apply to all students who will participate in a hearing to determine whether they have violated the standards of our community. The points below do not pertain to matters in which a student accepts the responsible option. Students who are alleged to have violated the standards of our community are referred to as "respondents" in our conduct hearing process.

Fundamental fairness for conduct hearings at the University consists of the following standards:

1. All charges must be in writing and presented to the respondent at the time of notification of the hearing.
2. Charges shall be reasonably specific as to the nature, time, and place of the alleged infraction.
3. The respondent shall be informed of his/her/their rights in his/her/their preliminary meeting with a member of the Center for Student Conflict Management.
4. The respondent may be afforded two (2) days to indicate a preference for which kind of hearing (e.g., Administrative or ACJC) he/she/they wish to have. Final determination of hearing type shall be made by the judicial officer.
5. The respondent shall be afforded at least seven days' notice of the hearing in writing.
6. Hearings are normally scheduled within 7 to 14 days after the hearing forum has been selected; however, the judicial officer may extend or shorten time lines to accommodate academic calendar or other extenuating circumstances.
7. The respondent shall have the right to be accompanied by an advisor who may confer with and assist the student. The advisor must be a member of the University community who is not an attorney; except when the respondent is, at the time of the hearing, facing criminal charges, or a credible threat of such charges being brought for the same incident, he/she/they can have an attorney serve as their advisor. The advisor or attorney may not speak on behalf of the student as an advocate, question witnesses, object, or participate in any way beyond advising the student. The judicial officer has the right to remove any advisor or attorney who violates this policy and to proceed with the hearing in his/her/their absence in such event. Requests for an adjournment to accommodate the schedule of the attorney or advisor will be at the sole discretion of the judicial officer. Names of campus community members who have indicated their willingness to serve as advisors are available from the Center for Student Conflict Management. Respondents are strongly encouraged to choose an advisor knowledgeable in the conduct process.
8. Hearings are recorded. A recording of the hearing will be available in the event of an appeal, but remains the property of the University.
9. The respondent shall have the opportunity to answer accusations and to submit the testimony of material witnesses on his/her/their own behalf. Witness statements, Public Safety reports, residential life incident reports, and depositions—acquired through the University process—shall be acceptable as documentation submitted to a board. All other documentation is subject to review by the judicial officer, prior to the time of the hearing.
10. All evidence and testimony, including the relevant Public Safety reports, the text of statements made by the respondent prior to the hearing and used at the hearing, and any physical evidence shall be presented in the presence of the respondent; however, legal rules of evidence shall not apply.
11. Relevant reports, documents and other evidence will be made available for review by the Center for Student Conflict Management prior to the hearing or may be shared electronically at the discretion of the judicial officer. These materials may not be duplicated by anyone other than the judicial officer.
12. The respondent shall have the opportunity to indirectly question (through the hearing boards/officers) all witnesses present during the hearing. This does not necessarily include the right to confront witnesses in person.
13. The respondent will be given an opportunity to make statements which will become part of the case record to be reviewed by the judicial officer and by any appeal body.
14. The respondent and all other participants are expected to cooperate during the hearing and be truthful in their testimony and responses to questions. A respondent may choose to refrain from providing testimony or answering questions; however, he/she/they may not then provide a statement on his/her/their own behalf. Depending on all the information presented, a respondent who refuses to give testimony or answer questions

may nonetheless be found responsible by the conduct board/officers.

15. All findings of responsibility will be made by a preponderance of the evidence (i.e. more likely than not).
16. In hearings resolved by ACJC the findings and recommendations will be forwarded to the judicial officer. In the event the judicial officer does not accept the findings or recommendations of ACJC, he/she/they may request further consultation and review by ACJC or may make a different finding or recommendation if warranted by the evidence presented at the hearing.
17. The judicial officer will notify the respondent of the outcome.
18. The respondent has the right to appeal a final decision in a non-academic case to the appropriate appeal body. Instructions on how to submit an appeal letter are included in the decision letter.
19. The judicial officer has discretion to modify, expand, or clarify these standards and any other aspect of the conduct process, depending on the circumstances.

ORDER OF CONDUCT PROCESS FOR STUDENT ORGANIZATIONS/GROUPS

Violations of the [Event Registration Policy](#)

Organizations are expected to know, understand, and abide by all event registration policies and procedures. Organizations found to have violated the [Event Registration Policy](#) may have privileges revoked, forfeit access to meeting space or other campus facilities, lose funding opportunities, or have all activities suspended for a period of time. Responses to [Event Registration Policy](#) violations will include, when appropriate, input from Wilson Commons Student Activities and/or Fraternity and Sorority Affairs in collaboration with the Center for Student Conflict Management.

In some circumstances a matter of organizational conduct may be referred to the All Campus Judicial Council (ACJC) for a hearing. ACJC is authorized to issue a range of sanctions including those mentioned above.

Types of events which must be registered:

1. Any event with alcohol that meets **one or more** of these qualifications:
 - a) Is the event being hosted or planned by one or more members of the organization and supported by executive board officers?
 - b) Is the event financed in whole or in part by the organization including the purchase of alcohol?
 - c) Is the event listed or advertised on the organization's website or social media accounts (Facebook, Twitter, etc.)?
 - d) Do online invitations refer to the organization? This includes location name.
 - e) Is the event listed on the organization's calendar (public or private calendars included)?
 - f) Will the event be announced at an organization meeting or over organization's group text, Group Me, Slack Channels, etc.?
2. Any on campus event that requires significant University resources,) e.g., services supplied by Facilities, Event Support, Public Safety). This includes events that will be held in the following spaces: Upper Strong, Lower Strong, Spurrier Dance Studio, Douglass Commons, Wilson Commons Hirst Lounge, Wilson Commons May Room, the Palestra, and the Field House.
3. Any event, on-or off-campus, at which money will be collected (including but not limited to events with tickets, fundraisers, and raffles).
4. Any on campus conference hosted by a student group.
5. Any on campus event at which more than 20% of the audience and/or participants is expected to be non-U of R community members (conference included).
6. Any on campus event that involves working with a non-U or R organization, such as co-sponsors or guests.
7. Any programs, on- or off-campus, involving minors and children (not including University students who are minors).

Information about how to register an event can be found [here](#).

Violations of Other University Polices

1. Initial Meeting(s): When an organization is reported to have engaged in behavior that may be detrimental to the University community a staff member in the Center for Student Conflict Management and/or the organization's advisor will reach out to the organization's leadership, typically the president, and schedule an initial meeting. During this meeting the representatives from the organization will have the opportunity to hear the report and share their perspective about what happened.

b. If the organization will consider accepting responsibility a responsible option letter will be sent electronically after the meeting which they may accept, decline, or appeal within the deadlines described in the letter. If the organization chooses or is referred to a formal conduct hearing, a pre-hearing conference meeting can be scheduled.

2. Pre-Hearing Conference Meeting: During a pre-hearing conference meeting the conduct officer meets with the organization's representatives to discuss the hearing process as outlined in the fundamental fairness section of this document on page 12.

3. Hearing: The purpose of a formal conduct hearing is to determine the truth about the organization's alleged misconduct. Through an objective and fair process guided by the fundamental fairness standards below, a conduct officer or body (a) determines, based on the information gathered from all involved parties, whether or not a violation occurred and (b) recommends a response to the judicial officer, or designee, if the respondent is found responsible.

4. Post-Hearing Meeting: After the hearing the judicial officer, or designee, will communicate with the organization's representatives to discuss the outcome of the hearing and share information about how to submit an appeal if one is warranted.

FUNDAMENTAL FAIRNESS IN HEARING PROCESS FOR NON-SEXUAL MISCONDUCT UNDERGRADUATE GROUP VIOLATIONS WITHIN THE COLLEGE

An organization will not be subject to official action for non-academic misconduct unless a. The organization has had a conduct hearing; OR b. The organization has waived the right to a hearing through a responsible option; OR c. The judicial officer, or designee, has taken interim action (interim response pending a hearing); OR d. Discretionary responsibility for resolving the matter has been retained by the President or a delegate.

The fundamental fairness points outlined below apply to student organizations and/or groups who will participate in a hearing to determine whether they have violated the standards of our community. Organizations who are alleged to have violated the standards of our community are referred to as "responding organizations" in our conduct hearing process.

For the purposes of addressing alleged violations and the conduct hearing process, the organization's president is considered authorized to make decisions on behalf of the organization as a whole. The president is able to designate another student organization member to serve in this capacity; the Center for Student Conflict Management must be informed in writing if the president wishes to delegate this authority.

Fundamental fairness for conduct hearings at the University consists of the following standards:

1. All charges must be in writing and presented to the responding organization at the time of notification of the hearing.
2. Charges shall be reasonably specific as to the nature, time, and place of the alleged infraction.
3. The responding organization shall be informed of their rights in their preliminary meeting with a member of the Center for Student Conflict Management.
4. The responding organization may be afforded two (2) days to indicate a preference for which kind of hearing (e.g. Administrative or ACJC) they wish to have. Final determination of hearing type shall be made by the judicial officer or designee.
5. The responding organization shall be afforded at least seven days' notice of the hearing in writing.
6. Hearings are normally scheduled within 7 to 14 business days after the hearing forum has been selected; however, the judicial officer, or designee, may extend or shorten time lines to accommodate academic calendar or other extenuating circumstances.

7. The organization's president, or designee, may be accompanied by two other members of the organization during the hearing and/or any meetings related to the hearing.
8. The responding organization shall have the right to be accompanied by an advisor who may confer with and assist the organization. The advisor must be a member of the University community who is not an attorney; except when the responding organization is, at the time of the hearing, facing criminal charges, or a credible threat of such charges being brought, they can have an attorney serve as their advisor. The advisor or attorney may not speak on behalf of the organization as an advocate, question witnesses, object, or participate in any way beyond advising the organization. The judicial officer, or designee, has the right to remove any advisor or attorney who violates this policy and to proceed with the hearing in their absence in such event. Requests for an adjournment to accommodate the schedule of the attorney or advisor will be at the sole discretion of the judicial officer or designee. Names of advisors who are well informed about conduct procedures are available from the Center for Student Conflict Management. Responding organizations are strongly encouraged to choose an advisor knowledgeable in the conduct process.
9. Hearings are recorded. A recording of the hearing will be available in the event of an appeal, but remains the property of the University.
10. The responding organization shall have the opportunity to answer accusations and to submit the testimony of material witnesses on their own behalf. Witness statements, Public Safety reports, residential life incident reports, and depositions—acquired through the University process—shall be acceptable as documentation submitted to a board. All other documentation is subject to review by the judicial officer, or designee, prior to the time of the hearing.
11. All evidence and testimony, including the relevant Public Safety reports, the text of statements made by the responding organization prior to the hearing and used at the hearing, and any physical evidence shall be presented in the presence of both responding organization; however, legal rules of evidence shall not apply.
12. Relevant reports, documents and other evidence may be reviewed by the responding organization in the Center for Student Conflict Management prior to the hearing. Copies of any such material may not, however, leave the office. In certain circumstances, the judicial officer, or designee, may choose to share the documents electronically.
13. The responding organization shall have the opportunity to indirectly question (through the hearing teams/officers) all witnesses present during the hearing. This does not necessarily include the right to confront witnesses in person.
14. The responding organization will be given an opportunity to make statements which will become part of the case record to be reviewed by the judicial officer, or designee, and by any dean or director considering an appeal.
15. The responding organization and all other participants are expected to cooperate during the hearing and be truthful in their testimony and responses to questions. A responding organization may choose to refrain from providing testimony or answering questions; however, they may not then provide a statement on their own behalf. Depending on all the information presented, a responding organization who refuses to give testimony or answer questions may nonetheless be found responsible by the conduct board/officers.
16. The conduct board/officers shall determine by a majority vote whether it is more likely than not (i.e., by a preponderance of the evidence) that the responding organization violated the standards of the University of Rochester community.
17. The findings and recommendations of any of the conduct board/officers will be forwarded to the judicial officer, or designee. In the event the judicial officer, or designee, does not accept the findings or recommendations of a conduct board/officer, they may request further consultation and review by the conduct board/officer or may make a different finding or recommendation if warranted by the evidence presented at the hearing. The judicial officer, or designee, will notify the responding organization of the outcome through their representative.
18. The responding organization has the right to appeal a final decision in a non-academic case to the appropriate dean/director.
19. The judicial officer, or designee, has discretion to modify, expand, or clarify these standards and any other aspect of the conduct process, depending on the circumstances.

APPEALS

Grounds for Appeal

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

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

Process of Appeal

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

The appeal letter must state which of the ground(s) above are the ones on which the appeal is made and must describe the rationale supporting those grounds. The designated appeal body receives access to all of the case material from the original hearing, a recording of the hearing (or responsible option letter if a student has waived their right to a hearing). The designated appeal body may consult with anyone they feel would be helpful in determining the appeal.

Effect of Appeal

The student or organization appealing will receive a written decision from the appeal body. The appeal body may uphold or modify the decision, or refer the case back to a board for a new hearing. In most cases, sanctions determined appropriate by a hearing body will not be enforced until the conclusion of the appeal process. However, in some cases, at the discretion of the Judicial Officer or Dean of Students, the sanction or interim measures may be imposed for the benefit of the individual student or campus population. See section on interim actions and other restrictions for more details.

Appealing a Responsible Option

Students may agree that their actions constituted a violation of University policy, though disagree with the resolution proposed by a conduct officer. In such circumstances, students can waive their right to a hearing but request an impartial review of the sanctions by an appeal board. An appeal board will make a determination as to whether the sanctions are a proportionate response to the behavior and may make changes to the resolution. An appeal of a responsible option may only result in changes to the sanctions, not the findings of responsibility accepted by the student or group.

BASIC EXPECTATIONS

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

A significant goal of campus conduct proceedings is to promote the welfare of the student, making the student aware of community standards, and discouraging the student from engaging in behavior that negatively impacts the University community. Another significant goal is to protect the University community's collective interests and deter students from harming the community.

There are important differences between campus and criminal judicial proceedings. The University of Rochester's conduct process is one that is restorative and educational, seeking to support all students involved in this process. It

would not be in either the University's or the student's best interest to attempt to incorporate features of the criminal justice system in the campus conduct process. Indeed, a formal and adversarial procedure might have the effect of suppressing information that, in the interest of a student's long-term development, is best to bring out.

RESPONSES TO MISCONDUCT

Creating a space that allows members of the University community to live and work in a safe and respectable environment is an important component of the conduct process. A major goal of the conduct process in particular and the University in general is to teach why something is wrong as well as to prevent its repetition. This goal is often difficult to carry out, but an effort is made to create a response that will best educate the student or group involved.

Common Responses for Individual Students

This list is by no means inclusive of all options open to conduct officers and boards in creating responses tailored to educate the involved students and repair harms caused to the community. In an effort to help offset the costs associated with administering programs and services associated with the disciplinary system, all students responsible for violating a policy will be charged a fee of \$50. This fee will be placed on the student's term bill.

- **Disciplinary Warning**, including an official letter of reprimand to the student stating that his/her/their behavior is in violation of University policy and may not recur.
- **Community Restitution**, which may require individuals or groups to write a letter of apology, participate in a designated service project, or give an identified community (on or off campus) a number of service hours to be completed within a specified time period. When appropriate, the individual or group may be required to devise its own community restitution plan to be approved by the judicial officer.
- **Counseling Intervention**, which may be recommended, and in some cases required, when behavior indicates that the counseling may be beneficial to the student. Specific circumstances will determine an appropriate mental health service referral, which may include drug, alcohol, and other educational workshops. Such mandated interventions may be at the student's cost.
- **Financial Restitution**, which may require individuals to restore or replace within a specified time, property which has been damaged, defaced, lost, or stolen.
- **Revocation or Restriction of Privileges**, for the use of designated University facilities or programs.
- **Disciplinary Probation**, which consists of an official notice that further violation of University policy will result in serious consideration being given that the individual or group not be permitted to continue as a student or group at the University of Rochester. This is a serious warning which serves as a check on the student's or group's future behavior. Once a student or group is on probation, any further disciplinary action will be more severe. Probation is given for a period of time and can limit the activities or privileges of a student or group. For example, students on probation are not able to join a fraternity or sorority nor are they permitted to study abroad.
- **Deferred Removal from University Housing**, which means that any violations of the standards of student conduct committed by the student during the deferred removal period will result in the student being immediately removed from housing and banned from the campus residential areas.
- **Deferred Suspension**, which means any violations of the standards of student conduct committed by the student during the deferred suspension period will result in the student being immediately separated from the University of Rochester.
- **Suspension from University Housing**, which involves revocation of the privilege of living in University housing for a certain period of time. Students or groups who have their housing contracts or leases terminated for conduct reasons are not entitled to a reimbursement.
- **Suspension**, which generally involves the revocation of the privilege of attending the University and using its facilities for a typical period of one year. Conditions for re-entry may be specified and every student needs to apply for readmission.
- **Expulsion**, which means the student is permanently separated from the University. He/She/They may not apply for readmission to any program.

Other common responses may include alteration of housing selection privileges; research assignments; project, program, and presentation requirements; revocation of other University privileges (e.g., access to computer systems, dining

venues, sports and recreation facilities), deferral pending dismissal; or mandated follow-up meetings with University officials.

Once a response is issued, it is the responsibility of the student to ensure that the response is completed in a timely fashion. Failure to complete an assigned response will result in an additional charge, and will be handled administratively by the judicial officer. Students failing to complete conduct responses normally have their student accounts placed on hold (making them unable to register for classes or receive transcripts) until such response is completed.

Common Responses for Student Organizations/Groups

This list is intended to be illustrative and is by no means inclusive of all options open to conduct officers and boards in creating responses tailored to educate the involved organizations and repair harms caused to the community.

- **Social Probation:** A group on social probation is not permitted to hold functions/gatherings where alcohol is present.
- **Formal Disciplinary Probation:** A group on formal disciplinary probation is not permitted to hold any functions or gatherings, including gatherings without alcohol or where only members are present.
- **Financial Restitution:** Organizations will be required to restore or replace, within a specified time, property which has been damaged, defaced, lost, or stolen.
- **Suspension of the New Member Process:** Organizations will be required to cease all activities related to the intake of new members. This suspension may be temporary or permanent.
- **Suspension from University Housing:** Organizations will have the privilege of living in University housing revoked for a certain period of time. This would pertain to the organization as a whole and not necessarily individual members.
- **Loss of organizational recognition:** Organizations may lose their status as a recognized student organization along with all of the rights and privileges afforded to recognized organizations. This loss of recognition may be temporary or permanent.

COMMON RESPONSES BY POLICY VIOLATION

The responses listed below are used as a guide to demonstrate the expected consequences from typical cases involving the specific charge alone and without mitigating circumstances. In all cases, conduct officers and boards are expected to use discretion and good judgment, and are in no way bound by these recommendations.

- **COVID-19 Related Violation:** Depending on the severity, students may receive an educational assignment, disciplinary warning, disciplinary probation, loss of privileges (such as access to facilities or attending classes in-person), removal from housing, deferred suspension, suspension, or expulsion.
- **Alcohol and Other Drug Offenses:** Typical individual responses range from a disciplinary warning, disciplinary probation, completion of an alcohol and/or drug education program³, educational assignment, risk assessment conducted by a qualified substance abuse professional, suspension from University housing or the University, and/or expulsion from the University. Typical group responses range from immediate termination of the event/function, submission of guest lists for all future formally registered events/functions, restriction of guests to only those of age or only those belonging to the specific organization, continuous on-site monitoring (at the organization's expense) of all events, mandatory alcohol education training community restitution hours, mandated third-party catering of future events involving alcohol, loss of University funding and/or recognition, and/or suspension of event/function hosting privileges.
- **Computer Misuse:** Typical responses range from a warning to loss of computer privileges as well as monetary fees.
- **Disorderly Conduct:** Typical responses range from letter of apology to expulsion from the University.
- **Fire Safety:** Responses vary widely depending on the nature of the violation, but can include at least one

³ Any costs associated with such programs are the responsibility of the student.

academic year of disciplinary probation and can result in expulsion from the University. If a student is found to be tampering with a fire safety device (i.e. smoke detector), that student will be placed on deferred removal from residence for the remainder of their time at the University. Any subsequent fire safety violations will result in the student being removed from his/her/their residence and being prohibited from entering all campus housing. If the student violates a different University policy while being on deferred removal, the outcome may result in the student being immediately removed from University housing and banned from campus residential areas. Students found to be in possession of candles in residential areas may be fined; this fine begins at \$50 increases per violation.

- **Harassment:** Typical responses range from a period of disciplinary probation to suspension from the University.
- **Hazing:** Typical responses range from a period of probation and educational assignment to expulsion from the University.
- **Vandalism and Damage:** Typical responses range from a period of disciplinary probation and restitution fines to removal from residence.
- **Sexual Misconduct:** See [Sexual Misconduct Policy](#)
- **Theft or Attempted Theft:** Typical responses range from disciplinary probation and restitution to suspension from the University.
- **Trespassing/Misuse of University Property or Facilities:** Typical responses range from a letter or apology to removal from residence.

CONDUCT RECORDS

Inquiries from external parties

Student records, including files from conduct cases maintained by the University, are treated with appropriate confidentiality, in accordance with the University policy on student records and relevant legal standards. University staff members that have knowledge of action taken against a student for misconduct may on occasion be asked to respond to inquiries regarding the student's involvement. In accordance with the confidentiality of such records, the University judicial officer may only reveal such information with the authorization of the student, except when allowed by law or when the University perceives a significant risk to the safety or well-being of that student or others. The University only considers incidents that result in a response of probation or above to be "disciplinary incidents" and therefore will not disclose incidents resulting in solely educational responses, formal letters of warning, or informal letters of warning to those requesting information regarding inappropriate conduct. Conduct files are normally destroyed seven years after the student's separation from the University. However, certain University officials may indefinitely retain records in other appropriate circumstances.

University of Rochester Transcript Notation Policy

Any undergraduate or graduate student who is charged with a non-academic disciplinary violation may have the phrase "disciplinary charges pending" added to any transcript issued after charges are formally brought by the University. If the student is found not responsible for the violation, the notation will be removed. If the student is found responsible and suspended or expelled, the transcript will say the sanction was imposed "after a finding of responsibility for a code of conduct violation." Notations of expulsion shall be permanent. Notations for suspension may be removed one year after the suspension period has ended. Students may petition for removal of the notation at the end of the suspension period *unless* their suspension was for conduct that would be a "Crime of Violence" under the Clery Act (crime of violence definitions appear in the University publication *Think Safe*). Students who withdraw with pending, unresolved disciplinary charges will have a permanent notation on their transcript that they withdrew with conduct charges pending.

Internal inquiries

University departments may wish to obtain information about a student's Disciplinary Status or Conduct History in

connection with employment or selection for prizes and awards. Regardless of the type of information sought, University departments must notify the student before seeking the information. ⁴

Disciplinary Status vs. Conduct History

Disciplinary Status indicates whether a student is *currently* on Disciplinary Probation or Deferred Suspension, or is currently serving a Suspension. It would not indicate if a student has been found responsible for policy violations that resulted in a response less than Disciplinary Probation or, if they have *previously* been placed on Disciplinary Probation, Deferred Suspension, or have already served a Suspension. A student's Conduct History would indicate if they have ever been placed on Disciplinary Probation, Deferred Suspension, or been Suspended. The Center for Student Conflict Management does not release information about policy violations that result in a response less than Disciplinary Probation. In most situations, a Disciplinary Status check is most appropriate; University departments who wish to obtain a student's Conduct History should contact the Center for Student Conflict Management.

Notifying or obtaining authorization from students

For guidelines on notifying or obtaining authorization from students, please contact the Center for Student Conflict Management at conflict.management@rochester.edu or call 585-275-4085.

Question or Concerns

If you have any questions or concerns about this procedure or the information you have received, please direct them to the Center for Student Conflict Management at conflict.management@rochester.edu or call 585-275-4085.

INTERIM ACTIONS AND OTHER RESTRICTIONS

The University retains the right to suspend, ban, or otherwise constrain or restrict students, groups, and organizations on an interim basis until the formal conduct process is completed, if they pose a perceived or actual threat to themselves, others, or to the orderly processes of the University community. The range of actions includes, but is not limited to, the following:

- **Interim Suspension—Individual:** If a student's presence on campus poses a perceived or immediate threat to his/her/their own or another's physical or emotional safety and well-being, the preservation of University or others' property, or safety and order on University premises, the University may impose interim restrictions up to and including immediate suspension pending a disciplinary hearing, which occurs as quickly as possible following an incident, but ordinarily within fourteen (14) business days. It is understood that in extreme cases, summary action may be imposed for a longer period of time. Interim Suspension restrictions may also be employed during any appeal process or post-hearing reviews.
- **Interim Action—Groups/Organizations:** Groups and organizations allegedly violating the Standards of Student Conduct or judged to be a perceived or immediate threat to the physical or emotional safety and well-being of one or more individuals, the preservation of University or others' property, or safety and order on University premises, may be subject to interim responses pending judicial or other means for resolution. Actions include, but are not limited to, Interim Social Probation (cancellation of the privilege to hold functions/gatherings in which alcohol is present) and Interim Suspension (cancellation of the privilege to hold any kind of function/gathering). Additional restrictions may be applied at the discretion of the University.
- **Active Avoidance Order:** If a student's presence on campus poses a perceived or immediate threat to a University community member's physical or emotional safety and well-being and/or sense of personal safety and security, the University can issue an Active Avoidance Order. The goal of this action is to diffuse difficult situations by imposing restrictions that require one person to actively avoid another in all situations. For more information regarding the Active Avoidance Policy please see page 18.

A student who has been issued an interim action is entitled to a prompt review, reasonable under the circumstances, of the need for this interim action. This review will be done by the Dean of Students, Dean of appropriate school or

⁴ Nothing in this document is intended to limit any University official's ability to access conduct information to protect health and safety or to enforce laws or University policies, with or without notice to the student.

designee. Specific information on how to file a request for a review is found in the interim action letter issued.

POLICIES AND PROCEDURES

ACADEMIC MISCONDUCT

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

ACTIVE AVOIDANCE ORDERS (AAO)

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

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

Procedures

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

Appeals of AAO

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

Notification

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

Guidelines

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

- A. Activities related to the performance of academic duties, e.g., attending classes, conducting research for a course, membership on committees or student groups, graduation exercises, etc.
- B. Use of common University facilities, e.g., Wilson Commons, dining facilities, parking areas, libraries, computing facilities, copy centers, access to health care facilities, etc.
- C. Voluntary or optional use of University facilities not related to academic performance, e.g., athletic facilities, attendance at sporting events, public events such as (non-required) lectures, concerts, or rallies, etc.

Responsibility for adherence to the policy

In all instances when the Active Avoidance Policy is implemented, it is the University's goal that all parties are allowed to continue to function within the environment.

In cases of alleged misconduct, it is the respondent's primary responsibility to initiate leaving the area should both parties find themselves occupying the same space. This responsibility remains in effect unless leaving an area would constitute interference with the respondent's ability to fulfill his/her/their academic or work responsibilities.

The following guidelines may be used as examples of instances when contact may potentially occur. This list is not exhaustive or intended to limit application of this policy to other situations not described here:

- A. In all instances that involve an inadvertent one-to-one encounter (e.g., in the parking lots, in a hallway or stairwell, walking to or from one area to another), the respondent is instructed to leave the area immediately.
- B. In instances in which attendance at an event or function which involves a group of people is required by both parties (e.g., a required seminar or workshop, etc.), the respondent is instructed to delay entry to that area for as long as possible. If both parties must attend the same event or function, the respondent must take steps to avoid contact with the other party, such as positioning him/her/themselves far away and not in the other party's direct line of vision.

In instances in which attendance by the accused is not required (e.g., at sporting events, public events, concerts, rallies, etc.), once the respondent becomes aware of the other party's presence, he/she/they are instructed to leave the area immediately or to delay entry until the other party has left.

Violation of the AAO

Each party is instructed to make contact with the Department of Public Safety when a situation occurs in which one party feels threatened by another party's presence or behavior. All parties are further instructed to contact the judicial officer if one party attempts to make contact with the other or fails to leave an area. Individuals should not attempt to enforce the AAO or confront the other party if they are not complying with the AAO. Violations of an AAO could be referred to the conduct process and students responsible may face additional charges.

ALCOHOL AND OTHER DRUGS POLICY

Introduction

The goal of the University of Rochester's Alcohol and Other Drug Policies is to promote safety and wellness among the entire student body. Regardless of the consequences, students have the ability to choose whether or not they consume alcohol. However, students who engage in high-risk alcohol consumption often report negative experiences. By encouraging safer, more responsible alcohol consumption, the University hopes to create a safer community and reduce these negative effects. The University offers students numerous opportunities to learn about safer, more responsible alcohol consumption, such as SWARM Training, the Alcohol Education Seminar, and presentations during First-Year Orientation; there are also additional programs and opportunities available upon request from the Assistant Director of Alcohol and Other Drug Education in the Center for Student Conflict Management and/or the UHS Health Promotion Office. There are also resources for students who may need more individualized support to make responsible choices related to alcohol or other drug use. For a full list of resources, please see page 24.

The possession, use, and distribution of illegal drugs and the misuse or distribution of other controlled substances is prohibited. However, the University does provide educational resources and counseling services for students who may need support related to their use of illegal drugs and/or other controlled substances.

Students who choose to consume alcohol or other drugs in violation of these policies will be held accountable for their actions through the University's Conduct System. For a list of common responses to violations of this policy, please see page 15.

Statement on Recreational Marijuana Use

New York State recently legalized the recreational use of marijuana for adults over the age of 21. Despite this new state law, the University of Rochester will continue to prohibit possessing, consuming, and distributing marijuana on campus and on University-owned and leased properties. This decision is common to most all other colleges and universities in New York State that are subject to federal laws that expressly prohibit marijuana on campuses, or risk losing federal Title IV funding.

Federal law still classifies cannabis/marijuana as a Schedule 1 illegal drug. With federal funding at risk, the new New York state law recognizes that campuses may elect to remain compliant with these federal laws and rules, which Rochester is doing. Therefore, the Alcohol & Other Drug policy continues to apply to marijuana use. University students, faculty and staff caught possessing, using or distributing marijuana on campus will be subject to disciplinary action under these policies. This prohibition covers all University campuses, including residence halls, apartments, offices, parking lots, designated smoking areas, indoor and outdoor areas, and events; and all other University owned and leased properties.

The federal Drug-Free Schools and Communities Act passed in 1989 requires any institution that receives federal funding to have a drug policy that addresses marijuana use, or risk the loss of their funding under Title IV, which governs federal aid for higher education. More information and guidance on this policy can be found in the Department of Public Safety's annual [Think Safe](#) report.

Medical Amnesty (for information regarding amnesty and sexual misconduct please see the [Medical Amnesty and Sexual Misconduct Policy](#))

The University of Rochester seeks to remove barriers that prevent students from seeking the medical attention they need, particularly when they or another student is dangerously intoxicated and/or under the influence of alcohol or other drugs. In cases of a drug or alcohol emergency, the primary concern is the health and safety of the individual(s) involved. The purpose of the Medical Amnesty Policy is to increase the likelihood that community members will call for medical assistance when faced with an alcohol and/or other drug-related emergency. Students are encouraged to actively seek immediate medical attention for themselves or for another student whose health and/or safety is at risk. The Medical Amnesty Policy provides a special response to violations of the Standards for Student Conduct.

Medical Amnesty Policy

1. Students who seek medical attention for others related to consumption of alcohol or other drugs will not be charged with possession (unless with intent to distribute) or consumption of alcohol or other drugs in violation of the University of Rochester Alcohol and Other Drug Policy.
2. Students who receive medical attention related to the consumption of alcohol and/or other drugs in accordance with this policy will not be charged with violations of the University of Rochester Alcohol and Other Drug Policy (specifically, Standards 6 and 7 in the Standards of Student Conduct) provided that the student does the following:
 - a. Meets with a University staff member to discuss the incident.
 - b. Completes any educational opportunities assigned by that staff member to help the student make safer, more responsible decisions with alcohol and/or other drugs.
3. This policy addresses violations of the University of Rochester Standards of Student Conduct. It does not grant amnesty for criminal, civil, or legal consequences for violations of Federal, State, or Local Law.
4. This Policy applies only in situations where students or organizations actively seek medical assistance in connection with an alcohol and/or other drug-related medical emergency and does not apply to individuals experiencing an alcohol or drug-related medical emergency who are discovered by University employees. (i.e. Department of Public Safety, faculty, administrative staff, Residential Life staff, including Resident Advisors).
5. Medical amnesty applies only to alcohol or other drug-related violations and does not apply to other conduct violations such as assault, property damage, endangering the health or safety of others, or distribution of illicit

substances (or possession with intent to distribute). If other violations occur, then a student and/or student organization may face disciplinary charges for those violations. The use or abuse of alcohol or drugs is never considered a mitigating circumstance for any other violations of the Standards of Student Conduct.

Federal, State & Local laws regarding alcohol & other drugs

The University of Rochester abides by all local, state, and federal laws regarding alcohol and other drug use, some of which are described below. Members and guests of the University community may be subject to discipline for violating public laws.

LAW	DESCRIPTION
Minimum Drinking Age Law	It is illegal in New York State for individuals under the age of 21 to purchase or possess alcoholic beverages with the intent to consume such beverages.
Procurement of Alcohol & Serving of Alcohol for Underage or Intoxicated Persons	It is illegal in New York State to sell alcohol to anyone under 21, to anyone who is already intoxicated, or to anyone who is habitually intoxicated. It is illegal to misrepresent one's age or that of anyone else under 21.
False Identification Laws	The purchase or attempt to purchase alcohol with the use of false or fraudulent documentation (such as a false identification card or a driver's license belonging to another) by persons less than 21 years of age is prohibited in New York State.
Open Container/Public Consumption Law	The possession/consumption of an open container of alcohol—i.e., any carton, cup, glass or receptacle which is uncapped, uncorked, unscrewed, unsealed or otherwise open in such a way as to permit direct consumption of the contents—in a public space is prohibited in the City of Rochester.
Driving While Intoxicated (DWI), Driving While Ability Impaired, Zero Tolerance Law	It is prohibited to drive with ability impaired (more than .05 up to .07 BAC) or while intoxicated (.087 BAC or more, or other evidence). It is illegal in New York State to drive under the age of 21 with any alcohol in one's system.
Illegal Use, Possession, & Distribution of Drugs Law	Federal and New York State laws provide many legal sanctions for the unlawful possession or distribution of controlled substances. These sometimes include severe criminal penalties such as fines and/or imprisonment. The severity of the penalty depends upon the nature of the criminal act and the identity and amount of the illicit drug involved.
General Obligations Law	A person who serves alcohol to or assists in procuring it for a person under 21, or who sells it to or assists in procuring it for an intoxicated person of any age may face civil liability to someone injured by that person's intoxication. Likewise, anyone who sells a controlled substance to another or assists in procuring it for them may be liable for injuries to others caused by that person's resulting impairment.
Prescription drugs	A drug that can be only obtained by means of a physician's prescription. Intended solely for the use of the holder of the prescription and must be maintained in its original container.
Use/Possession	The unlawful use or possession of any drug, narcotic, or controlled substance is prohibited.
Paraphernalia	The possession of drug paraphernalia, such as bongos, pipes, or any other item or device when being used in conjunction with illegal drug activity is prohibited.

University of Rochester policies regarding alcohol and other drugs

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

POLICY	DESCRIPTION
Open Containers	An open container is any receptacle containing alcohol, which is open in such a way as to permit direct consumption of the contents, is prohibited. Possession of an open container of alcohol anywhere on-campus is prohibited, except:

	<ul style="list-style-type: none"> • in a residence hall private living space, which includes common areas within suites; • in a fraternity or special interest house; or • in an area designated, through the event/function registration process, as a place where alcohol consumption is permitted.
Common Containers	<p>A common container is a receptacle for dispensing multiple servings of an alcoholic beverage. Possession or use of kegs, beer balls, or other common containers is prohibited. Exception may apply for registered events in which specific criteria have been met or for registered events managed by a licensed caterer/third party vendor. Specifically, common containers are in violation of the code of conduct when any individual container exceeds the maximum amounts below:</p> <ul style="list-style-type: none"> • 64 ounce container of beer; • 5 liter container of wine; or • One (1) liter container of distilled spirits.
Rapid Consumption and Drinking Games	<p>Drinking games encourage rapid and heavy alcohol consumption that is strongly associated with negative alcohol-related consequences. Rapid consumption items used to dispense alcohol in a rapid manner, such as beer bong and/or funnels are prohibited. Additionally, Jell-O shots and/or other substances meant to dispense alcohol in a rapid manner are prohibited.</p> <p>Drinking games or contests (e.g., "Quarters," "Beirut/Beer Pong," etc.) are prohibited. Please note: The presence of alcohol where the game is played is sufficient to classify the incident as a drinking game violation, even when a game is played with a non-alcoholic beverage. Where interpretation is necessary, student(s) will be charged with the violation, and a hearing board/conduct officer will interpret this policy. Paraphernalia associated with drinking games, (e.g., funnels, beer pong tables, etc.), will be confiscated.</p>
Public Intoxication	<p>Public intoxication, which is defined as alcohol-related conduct that is disorderly, offensive, or annoying to others or a potential risk to one's own or another's health and well-being is prohibited.</p>
Providing/Sale/Advertising of Alcohol/Serving	<p>The sale of alcohol to any person at all times, except by a licensed caterer/third party vendor at a registered event is prohibited. Invitations, posters, and other forms of advertising for specific events (including publicity via email distribution lists) may include references to alcohol, but may not be the focus of such publicity. Specifically, such publicity must include the phrase, "alcohol is only available to individuals 21 years of age and older." Shots may not be mentioned, nor may any reference to or implication of excessive consumption of alcohol or alcohol "specials" (e.g. "two-for-one night," "dollar drafts"). Policy for Serving alcohol falls under the Law section "General Obligations Law."</p>
Events and Functions	<p>Possession or consumption of alcohol at all membership recruitment functions and new member/intake functions, such as those for Greek organizations, clubs, athletic teams, etc. is prohibited. Possession or consumption of alcohol in athletic facilities or at athletic events is prohibited.</p>
First-year Areas	<p>Possession and use of alcohol by all persons in all freshman rooms and building common areas is prohibited. Residential Life staff, Resident Advisors, Freshman Fellows, and D'Lions of legal age are permitted to possess and use alcohol in private living spaces. This includes empty containers.</p>
Distributing/Trafficking	<p>Trafficking, manufacturing, distributing, or possessing with the intent to distribute any illegal drug, narcotic, or controlled substance is prohibited.</p>
Paraphernalia	<p>The possession of paraphernalia typically associated with drug use, such as bong or pipes, is prohibited, regardless of whether or not the item is used in conjunction with illegal drug activity.</p>

Including parents in conversations about alcohol and other drugs

The University supports the idea that students, parent(s) or legal guardian(s), and the University are partners with responsibilities for the promotion of a healthy and positive educational experience for students. University conduct policies and procedures are designed to promote an environment conducive to student learning and growth while protecting the University community. It is the belief of the University that students benefit from discussions with their parent(s) or legal guardian(s) about the effects of alcohol or use of controlled substances on their educational experience.

The University may notify parents/guardians of students, under the age of 21, who have been found in violation of the Alcohol and Other Drugs Policy. Notification of parents/guardians will occur when, in the opinion of the Dean of Students or his/her/their designee, a violation is significant enough to indicate a greater level of care may be necessary to support the student. It is our general practice to encourage a student to contact his/her/their parent(s) or legal guardian(s) prior to the University's notification, however, there may be circumstances when contact will be initiated more rapidly.

RESOURCES FOR EDUCATION, COUNSELING & TREATMENT

The University of Rochester offers a variety of alcohol and other drug-related resources and support services for students, faculty and staff, including:

Department of Public Safety (24hr Emergency Resource)

Assistance with emergencies and non-emergencies on campus

Dialing options:

1. 275-3333
2. campus phone x13
3. press #13 from a cell phone
4. If off campus dial 911

Medical Emergency Response Team (MERT) for River Campus: x13

<http://www.publicsafety.rochester.edu>

Center for Student Conflict Management

Office: 585-275-4085

Alcohol and Other Drug Education: *Individual and Organization resources for alcohol and other drug related concerns*

<http://rochester.edu/college/cscm/AOD.html>

Student Conduct: *Policy administration, adjudication & resolution of violations*

<http://www.rochester.edu/college/cscm.html>

CARE: *Assistance connecting students with campus resources*

<http://www.rochester.edu/CARE>

University Health Service (UHS)

Primary care visits with physicians, nurse practitioners, and registered nurses for any health concern Medical Center

Office: 585-275-2662

River Campus Office: 585-275-2161

Eastman School Office: 585-274-1230

<http://www.rochester.edu/uhs>

UHS Health Promotion Office

Educational workshops and information related to alcohol and other drugs

Office: 585-273-5775

<http://www.rochester.edu/uhs/healthpromotion>

University Counseling Center (UCC)

Individual, couples, and group counseling

Office: 585-275-3113

<http://www.rochester.edu/ucc>

Office of Residential Life & Housing Services (River Campus)

Office: 585-275-3166

<http://www.rochester.edu/reslife>

Eastman School of Music

Office of Student Life: 585-274-1106

<http://www.esm.rochester.edu/studentlife>

Office of Residential Life: 585-274-1251

<http://www.esm.rochester.edu/reslife>

RESOURCES FOR PLANNING AND REGISTERING EVENTS WITH ALCOHOL**Wilson Commons Student Activities**

Office: 585-275-9390

<http://rochester.edu/college/wcsa>

Fraternity and Sorority Affairs

Office: 585-275-3167

<http://www.rochester.edu/college/fsa>

Eastman Office of Student Life

Office: 585-274-1106

<http://www.esm.rochester.edu/studentlife>

ATHLETICS CODE OF CONDUCT STATEMENT

Students who participate in a University of Rochester Athletics program are expected to adhere to the University of Rochester Standards of Student Conduct and may be expected to adhere to additional codes of conduct as prescribed by their team and/or coach. For more information on these additional codes of conduct, contact your coach.

COMPLICITY

The absence of active participation in misconduct is often an insufficient response to violations of the code of conduct. Individual students and student groups/organizations are expected to take an active role in disengaging themselves from all acts of misconduct, and are expected to report serious acts of misconduct to appropriate authorities. Failure to do so can be considered acts of complicity, and may result in that student or student group/organization facing the same charges as active participants.

EASTMAN SCHOOL OF MUSIC STATEMENT

Policy violations involving Eastman School of Music students are processed by the Eastman School of Music Office of Student Life in conjunction with the Center for Student Conflict Management. To obtain Eastman School of Music policies, please contact the Eastman School of Music Office of Student Life at (585) 274-1106 or <http://www.esm.rochester.edu/studentlife>.

Note to dual degree program students: Policy violations will be addressed by the office responsible for conduct on the campus where the infraction occurred.

WEAPONS POLICY

The University is committed to maintaining a safe and secure environment in which to conduct educational and research activities. This requires minimizing the risk of injury or death associated with intentional or accidental use of weapons. Students are therefore not permitted to possess or imply possession of a weapon anywhere on property owned, leased or controlled by the University of Rochester.

A weapon is any instrument that is used to inflict physical harm, is intended to be used to inflict harm, or could reasonably cause fear of infliction of harm, including any item that may be deemed a weapon under applicable law.

Examples include, but are *not limited* to: pistols, revolvers, shotguns, rifles, firearms, stun guns, BB or pellet guns, Tasers, bows and arrows, and other instruments that launch projectiles, including electric dart guns and paintball guns, as well as parts or ammunition relating to any of the above; martial arts tools, brass knuckles, daggers, swords, and knives (including Swiss Army knives); bombs, grenades, mines, explosives, or incendiary devices (which can include ignition devices and aerosols). A disarmed weapon still counts as a weapon.

The determination of whether an item is considered a weapon for the purposes of this policy will be made on the totality of the circumstances surrounding the item's possession and use. For example, an ordinary kitchen knife used for food preparation would not be considered a weapon in connection with that use. If there are questions about whether a given item counts as a weapon, students should contact the [Center for Student Conflict Management](#) for clarification before bringing the item to campus.

FIRE SAFETY POLICIES

Fire safety is very important to the University community. Most fire-related emergencies can be avoided by practicing fire safety, including avoiding the non-approved items and appliances below.

Non-Approved Items

These items can generally produce enough heat to start a fire if used improperly, or sources of fuel in case of fire, including but not limited to:

- Candles, lantern, lamps or any other item that produces an open flame
- Tobacco, incense or any other item that burns or smolders when used
- Hoverboards and self-balancing scooters
- All flammable materials (gas, lighter fluid, charcoal, propane, solvents, etc.)
- All items powered by combustible fuels (such as motorcycles)
- All fireworks, explosives, etc.
- All corrosive (or poisonous) chemicals and hazardous materials
- All lightweight extension cords or multi plug outlet adapters
- Heavy weight power strips or extension cords without safety circuit breakers
- Multiple approved power strips connected together ("chaining")
- All cords extended through walls, ceilings, affixed to walls, under floor coverings, across corridors, etc.
- Curtains/drapes and anything covering ceilings (tapestries, banners, posters, nets or other combustible materials)
- Wall decorations covering more than 20% of walls (tapestries, banners, posters or other combustible materials)
- Crepe paper, plastic or Mylar decorations, ribbons, streamers, etc.
- Combustible materials as door decorations covering more than 20% of doors total
- Runners, door mats, or other combustible floor coverings in hallways and suite corridors
- All standard and "rope type" decorative string lighting (Christmas, chili pepper, etc. lights)

Non-Approved Appliances

These items/devices generally have open elements or can produce enough heat to start a fire if used improperly, including but not limited to:

- George Foreman grills or similar cooking appliances
- Toasters- portable or toaster ovens, etc. (except in designated cooking areas)
- Hotplates, electric skillet, crock pots, etc.
- Combination microwaves with broiling elements
- Submersion coil water heaters
- BBQ grills, smokeless indoor grills, or open flame devices (charcoal, gas or other fuel)
- Personal lighting that has an upward facing lamp (regardless of protective cover or bulb type)
- Non-UL safety approved electric powered appliances
- All portable heating devices (space heaters of any type)

FRATERNITY AND SORORITY LIFE STATEMENT

Students who violate the Standards of Student Conduct may be ineligible to participate in fraternity or sorority life. In addition, members of organizations that have been suspended or disaffiliated from the University may be ineligible to represent the fraternity/sorority community on campus-wide committees or participate in leadership positions related to fraternity and sorority life, including but not limited to governing councils and Order of Omega.

For more information on these additional standards please visit the Fraternity and Sorority Affairs website located at <http://www.rochester.edu/college/ofsa/> or contact Fraternity and Sorority Affairs at (585) 275-3167.

GROUP RESPONSIBILITY POLICY

A student organization may be held accountable for a violation of University policy committed by an individual, whether or not the individual is a member of the organized group, if the group, or a substantial segment of it, authorizes, directs, or encourages the violation, or with reckless indifference does not make reasonable use of the group's own influence and authority to prevent it. Violations occurring within a group's living space, during or because of a group's function, or utilizing a group's resources are all indications of responsibility for that group. Determination as to whether the violation will be resolved through the individual or group process will be at the discretion of the judicial officer. As with any responsible organization, groups are expected to actively prevent violations if there is sufficient reason to believe they are about to be committed, to intervene in violations when they become aware of them, and to react responsibly to violations when the group has become aware of the fact that they have occurred. Even for events that are generally open to all students an organization may exercise discretion in determining whom they allow to enter or remain at an event, so long as the group does not violate the University's nondiscrimination policy. Additionally, failure to provide truthful and complete information about misconduct—including both violations of law and policy—can result in charges against the group itself for such violations.

HAZING POLICY

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

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

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

Community members who are concerned that a student is being hazed are encouraged to use the [CARE Network](#), the [Harassment/Bias Related Incident Report](#) form, or contact the Center for Student for Student Conflict Management by Email at conflict.management@rochester.edu.

STUDENT POLICY AGAINST DISCRIMINATION AND HARASSMENT

The University of Rochester takes acts of harassment and discrimination very seriously. This Policy provides information about the rights of, and the resources available to support, individuals who believe that a University of Rochester student has engaged in harassment or discrimination, based on a person or group's actual or perceived membership in a protected class, as described below.

The University prohibits and will not engage in discrimination and harassment on the basis of age, color, disability, ethnicity, military/veteran status, national origin, race, religion/creed, or any other status protected by law.⁵ Discrimination or harassment based on these protected classes is illegal and will not be tolerated.

The University also prohibits retaliation (defined below) against any person who complains of or opposes perceived unlawful discrimination or harassment, including those who participate in any investigation under this policy or other proceeding involving a claim based on a protected class. Retaliation is illegal and will not be tolerated.

The University may investigate and respond (in accordance with this policy) to complaints of harassment, discrimination and retaliation by one or more students against one or more members of a protected class that are reported to have occurred either on or off campus.

1. Definitions:

A. *Discrimination*

Discrimination is (1) any conduct (2) that adversely affects or impacts an individual's or group's ability to function and participate as a member of the University community (3) because of their age, color, disability, ethnicity, marital status, military status, national origin, race, religion, veteran status, or other status protected by law, or because of their perceived or actual affiliation or association with such individuals or groups. Discrimination includes any behavior that is unlawful discrimination under applicable New York State and/or federal law and the interpretation of discriminatory conduct will be informed by such laws.

Examples of prohibited discrimination include, but are not limited to, exclusion from or denial of access to services and/or resources on the grounds of a person's age, color, disability, ethnicity, marital status, military status, national origin, race, religion, or veteran status.

B. *Harassment*

Harassment is a form of discrimination which involves (1) unwelcome verbal, written, physical, or electronic conduct, (2) that is intended to cause or which could reasonably be expected to cause an individual or group to feel intimidated, demeaned, abused, or fearful, or to have concern for their personal safety, (3) because of a protected class when:

(a) the conduct is sufficiently *severe or pervasive* (meaning that the conduct is either of an extraordinarily severe or egregious nature *or* has been repeated with sufficient frequency or continuity); in other words, typically a single offense or occasional, episodic instances of offensive behavior will not qualify as severe or pervasive, but a single instance of severe egregiousness would, *and*

(b) the conduct objectively *and* subjectively has the effect of (1) unreasonably interfering with an individual's equal access to education or (2) creating an intimidating, hostile, or offensive environment.

Under New York and federal law, all of these requirements must be met for certain behavior to qualify as harassment. Types of behaviors based on a protected class which can lead to claims of harassment include degrading and derogatory words, graffiti, pictures, jokes, epithets, statements or stereotyping activities as well as other forms of verbal, visual or written messages of intimidation, as well as unwanted physical contact or comments or threats about physical contact and stalking.

Mere offensiveness, however, is not enough to create a hostile environment. In determining whether Harassment has created a hostile environment, the University will consider not only whether the conduct was unwelcome to the

⁵ Harassment and discrimination by students, based on sex, sexual orientation, gender identity and expression and similar categories is separately addressed in the Student Sexual Misconduct Policy. Harassment and discrimination by non-students (such as staff, faculty, and visitors) is subject to Policy 106.

person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as violating this policy. Also, the following factors will be considered:

- The degree to which the conduct affected one or more students' education ;
- The nature, scope, frequency, duration, and location of incident or incidents;
- The identity, number, and relationships of persons involved;

C. *Retaliation*

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

D. *Aiding or Facilitating*

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

E. *Guests*

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

2. Reporting and Interim Measures

A. *Reporting*

The University can only act to prevent harassment and discrimination from reoccurring in the future, and to remediate such conduct that has occurred, if it is made aware of such conduct. Students, faculty, staff members, visitors and others who believe that the conduct of a University of Rochester student constitutes harassment or discrimination are encouraged to report the incident to the Office of Counsel, the Dean of Students, University Public Safety or another Responsible University Official. Responsible University Officials at the University of Rochester include a lawyer from the University's Office of Counsel, University Public Safety, the Director of the Office of Minority Student Affairs, the University Intercessor, the Director of the Paul J. Burgett Intercultural Center, the Dean for Diversity Initiatives and Director of the David T. Kearns Center, the Director of Residential Life, and the professional staff members in other student life offices in each of the University's schools.⁶ Responsible University Officials, once notified of a report of harassment or discrimination, must promptly inform the Office of the Dean of Students.

The Center for Student Conflict Management (CSCM) in the Office of the Dean of Students also maintains an online bias reporting system as part of the CARE Network where reports of any conduct which may constitute discrimination or harassment can be made. It can be accessed at www.rochester.edu/care. Reports may be made anonymously or not, and will be reviewed generally within 72 hours and investigated/addressed as appropriate under the circumstances.

B. *Interim Measures*

After a report is made, the person who is reported to have been a victim is offered support in as needed in dealing with the consequences of such conduct. The University may also take interim steps to protect that individual and/or the community, which can include removing an accused student from campus or other actions deemed appropriate

⁶ In this policy, the term "Responsible University Official" is used instead of "Responsible Employee," which is used in the Student Sexual Misconduct Policy. The roles are similar – both have reporting obligations – but the personnel included within the definitions are not the same. Many persons who are Responsible Employees (e.g. most residential life staff) are not Responsible University Officials.

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

C. *Confidentiality*

As a community, we believe it is imperative that students are able to access support services offered by the University even if they do not wish to report the incident to the University. Students who are the victims of discrimination or harassment based on a protected class who wish to access University support services without making a report to the University can contact the University Health Services, University Counseling Center, and University Chaplains. The staff members in these offices are not required to report the details of an incident to other administrators at the University, however, they are asked to submit a bias incident report. The bias incident report does not need to include any personally identifiable information regarding the individuals involved in the incident.

3. Procedures

Students accused of Harassment or Discrimination as defined above will be charged and, if found responsible, sanctioned, pursuant to the conduct process (including appeals) described in this Standards of Student Conduct, beginning at page 6.

4. Academic Freedom and Free Speech

The success of the University of Rochester depends on an environment that fosters vigorous thought and intellectual creativity. It requires an atmosphere in which diverse ideas can be expressed and discussed. The University seeks to provide a setting that respects the contributions of all the individuals composing its community, that encourages intellectual and personal development, and that promotes the free exchange of ideas. This Policy is not intended to regulate the content of speech, discussion and debate in the classroom, on campus or in any University forum reasonably related to academic activity or political, artistic and visual arts expression. The University will protect academic freedom and artistic expression in administering this Policy. However, using speech or expression to discriminate against those protected by this Policy or using speech that creates a hostile learning, working or campus living environment for those protected by this policy is prohibited.

5. Resources

The University of Rochester is committed to supporting students who believe they have experienced harassment or discrimination. The University encourages such individuals to report the incident so steps can be taken to remediate and prevent such conduct from occurring again. With that in mind, the University wants to ensure that you get the information and support you need regardless of whether you would like to move forward with a report to campus officials. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes harassment or discrimination. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and the following is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

Confidential Resources:

Individuals who are *confidential* resources will not report offensive conduct to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency.

At the UR, this includes:

- **University Counseling Center:** 585-245-3113
River Campus Office (585) 275-3113
Third Floor, UHS building
738 Library Road
Susan B. Anthony Circle
<https://www.rochester.edu/ucc/contact/index.html>

Eastman School Office (585) 275-3113
ESM Living Center, Room 107

A limited number of appointments available.
Call (585) 275-3113 to schedule an appointment.

- **University Health Service:** Licensed medical professionals acting in accordance with their professional responsibilities: 585-275-2662

UHS River Campus Office

Phone: 585-275-2662

1st Floor, UHS Building
738 Library Road, River Campus

[Location and Hours](#)

UHS Medical Center Office

Phone: 585-275-2662

Room 1-5077, UR Medical Center (The entrance is at 250 Crittenden Blvd.)

UHS Eastman School Office

Phone: 585-274-1230

Room 106, ESM Student Living Center

- **Non-professional counselors and advocates:** These individuals can also assist you without sharing information that could identify you. At the University of Rochester, this includes:

University Chaplains

Phone: 585-275-4321

500 Wilson BLVD

<https://www.rochester.edu/chapel/communities.html>

Sharing information with a confidential resource will not result in a report to the University or investigatory or disciplinary action. In order to initiate an investigation or disciplinary action, a report must be made through one of the non-confidential options described in this policy.

Privacy versus Confidentiality

Even UR offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution. There are other resources available on campus that might be effective support for any student who experiences discrimination or harassment. These resources will maintain your privacy to the extent possible, but are obligated to report conduct that is discriminatory or harassing based on a protected class to a Responsible University Official.

Non-confidential resources include:

- **Office of Minority Student Affairs**
Phone: 585-275-0651
Room: 2-161 Dewey Hall, River Campus
- **Paul J. Burgett Intercultural Center**
Phone: 585-275-5678
Room: 305 Douglass Commons, River Campus
- **Dean for Diversity in Arts, Sciences, and Engineering**
Phone: 585- 275-2121

Room: 317 Lattimore Hall, River Campus

- **David T. Kearns Center**
Phone: 585-275-7512
Room: 4-160 Dewey Hall, River Campus
- **University Intercessor**
Phone: 585-275-9125
Room: 36 Wallis Hall, River Campus

Requesting Confidentiality: How UR Will Weigh the Request and Respond

If you disclose an incident but wish to maintain your privacy or do not consent to the institution's request to initiate an investigation, the University must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, and other reasonable and available accommodations regardless of your reporting choices using the following analysis:

- a. If it could improve safety
- b. Prevent retaliation
- c. And/or avoid an ongoing hostile environment

While victims may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures: Center for Student Conflict Management (585) 275-4085. We also may take proactive steps, such as training or awareness efforts, to combat harassment and discrimination in a general way that does not identify you or the situation you disclosed.

We will seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless we determine that failure to investigate may result in harm to you or other members of the UR community. Honoring your request may limit our ability to meaningfully investigate and pursue disciplinary action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you. When you disclose an incident to someone who is responsible for responding to or reporting harassment or discrimination, but wish to maintain privacy, UR will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- whether the accused has a history of discriminatory or harassing behavior or is a repeat offender;
- whether the incident represents escalation from previously noted behavior,
- the increased risk that the accused will commit additional acts of discrimination or harassment against others;
- whether the accused used a weapon or force; and
- whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

Public Awareness/Advocacy Events

If you disclose a situation through a public awareness event such as candlelight vigils, protests, student organization or other event or forum, or other public event, the UR is not obligated to begin an investigation. UR may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure

Anonymous reports of violations of this policy may be made using the following resources:

- Bias-Related Incident Reporting Forms: <https://www.rochester.edu/care/reports.html>

Due to their nature, anonymous reports may be difficult to act upon.

If you or someone you know has experienced harassment or discrimination the following options are available. You can:

- **Meet with the Center for Student Conflict Management to discuss the support services available to you and your options for filing a report.** The CSCM can be reached by calling 585-275-4085 or via e-mail at conflict.management@rochester.edu.
- **Make a formal report to University Department of Public Safety (DPS) (585-275-3333):** DPS can help you file a formal report to the University about the incident. DPS can also assist you in making a report to the appropriate legal authority (Rochester Police, Monroe County Sheriff's Office, NY State Police, etc.) if the behavior might constitute criminal harassment. You can choose to simultaneously report the incident to the University and the appropriate law enforcement agency for investigation and response. You can also choose to only report the incident to local law enforcement or only report the incident to the University. If you choose to make a report to the University, DPS investigators will conduct an investigation, as appropriate and under the direction of the Office of the Dean of Student on the River Campus (ODOS). The ODOS is responsible for adjudicating all cases of harassment or discrimination at the University in which the accused is a student. If they haven't done so already, staff members from ODOS will then connect with you to discuss your options, including steps in the conduct process, resources available to support you, and the planned process for moving forward. Some things the University may be able to help arrange are (in no particular order):
 - **Issuing Active Avoidance Orders:** If a student's presence on campus poses a perceived, threat to your physical or emotional safety and well-being and/or sense of personal safety and security, the University can issue an Active Avoidance Order (AAO). Please see the Standards of Student Conduct section on Active Avoidance Orders for more information about the issuance of AAOs.
 - **Helping Coordinate Alternative Housing, Transportation, and Classes:** The University will discuss alternative housing, transportation to and from campus, and classes when that support is appropriate.
 - **Taking Interim Measures:** The University can determine whether interim measures need to be taken to arrange alternative on campus housing or class schedules or remove the student(s) from campus and/or classes or before a hearing can occur. Please see the Standards of Student Conduct section on interim suspensions for more information regarding that process.
 - **Coordinating an Administrative Hearing: When appropriate, the ODOS will call for the complaint to be resolved through the administrative hearing process.** See below for more information about this process.
 - **Filing a report with the appropriate police department.** DPS can help connect you to the appropriate law enforcement agency if you wish to report the potentially criminal harassment incident to the police. You can choose to simultaneously report the incident to the University and the appropriate law enforcement agency for investigation and response.
- Any student who wishes to speak with anyone at the University regarding an incident of harassment or discrimination has the right to be accompanied by an advisor of choice (at the party's own expense, if the advisor is a paid advisor) who can assist and advise the student, including during any meetings and hearings related to any disciplinary process. **Confidentially discuss the incident with a counselor at the University Counseling Center (585-275-3113):** University Counseling Center (UCC) can help provide mental health support during a difficult situation 24 hours a day with their on-call counselor and appointments are also available. **Reports made to UCC or UHS are confidential.**
- **File a bias related incident report:** If you wish to make a report about the incident to the University without including your name or personally identifiable information you may file a [bias-related incident report](#).

- **Do nothing:** You may also make it known that you do not want anything to be done with the situation right now. In situations where students indicate that they would not like the University to investigate or respond to the report of the incident the University will most often honor those wishes.⁷ There are, however, some circumstances when concerns about the safety of the University community are raised by the report. In those circumstances the University will investigate and respond as appropriate even without the assistance of the person alleged to have been a victim.

INVOLUNTARY LEAVES OF ABSENCE

The University of Rochester provides a wide range of services to support and address the mental and physical health needs of students including assessment, short-term care as appropriate, and referrals. Our first concern is for the health and welfare of each individual in our community. Our goal is to enable all of our students to participate fully as members of Rochester's academic community. However, students who disrupt, or threaten to disrupt, the activities of the University community for reasons that are not necessarily best addressed through disciplinary action, may be required to take a leave of absence from the University. Under these circumstances, students will be given the opportunity to take a voluntary leave. If a student declines to take a voluntary leave, the University may determine that the student's welfare, or the needs of the community, requires a period of involuntary leave. The following policy establishes the protocol under which an involuntary leave of absence may occur and the process for return from such a leave.

Guidelines

The University may place a student on an involuntary leave of absence or require conditions for continued attendance when the student exhibits behavior that:

- harms, or threatens to harm, the health or safety of anyone within the University community;
- causes, or threatens to cause, significant property damage; or
- significantly disrupts the educational and other activities of the University community.

Withdrawal Process

When a student exhibits any of the behaviors described above, the matter may be brought to the attention of the appropriate dean or designee. The dean, or designee, will seek an immediate assessment of the student's ability to remain at the University. This assessment will be based on the student's observed conduct, actions and statements and may require consultation with The University Counseling Center (UCC), University Health Services (UHS), or from other appropriate professionals regarding the student's circumstances.

The student will be notified that the dean, or designee, is seeking to determine whether he/she/they should be required to take a leave of absence. The student will be given the opportunity to confer with the dean, or designee, and to provide additional information for consideration.

The dean, or designee, will review the available information to make a decision that may include the following:

- the student remain enrolled with no conditions;
- the student remain enrolled subject to conditions (including a description of those conditions); or
- the student be placed on an involuntary leave of absence.

If the dean's, or designee's, decision is to require an involuntary leave of absence, the decision will also indicate the length of the leave and describe the conditions (if any) under which the student may seek to return from leave. The student will then be withdrawn by the dean of the school, or designee, in which the student is enrolled. For undergraduate students further information about the withdrawal process, tuition refund implications of the withdrawal (if any), and applications

⁷ Please see above for information regarding the criteria the University will use when determining whether or not it will proceed with an investigation without the consent of the reporter. Reports of incidents that give rise to concerns about professional misconduct among medical and nursing students will be investigated and responded to by the University due to professionalism standards in those academic programs.

for readmission are available from the College Center for Advising Services at (585) 275-2354.

The student shall be informed in writing by the dean, or designee, of the leave decision, the effective date of the leave, and conditions for return (if applicable). If a student is permitted to remain enrolled subject to conditions, the student shall be informed in writing of the effective date and the duration of the modified attendance.

Appeal Process

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

Process for Returning From Leave

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

Interim Actions

The University retains the right to suspend, ban, or otherwise constrain or restrict students, groups and organizations on an interim basis if they pose a perceived or actual threat to themselves, to others, or to the orderly processes of the University community. For more information please see the interim actions and other restrictions section of this document and the Graduate Student Bulletin (for graduate students).

Confidentiality

All records concerning involuntary leaves of absence will be kept in accordance with the University confidentiality policy and other applicable policies. No statement regarding the reasons for the leave of absence or withdrawal appears on the student's official transcript.

NON-MOTORIZED TRANSPORTATION POLICY

All non-motorized transportation, including bicycle riding, skateboarding, roller skating, rollerblading, and scooter riding, is prohibited in all University buildings. Non-motorized transportation is only permitted on walkways, roadways, and ramps when the operator does not create a hazard to him/her/themselves or others. Skateboarders and roller skaters must not skate two (2) or more abreast. Performing jumps or other stunts is strictly prohibited on the campus. Persons causing damage to persons or property while engaged in the use of these devices will be held financially responsible. Requests for exceptions to this policy for programmed events must be made in writing to Wilson Commons Student Activities (Wilson Commons 201, 585-275-9390).

Bicycle racks are located throughout the University. The University is not responsible for the theft of or damages to bicycles left on racks. Bicycles may not be parked next to sign posts, trees, light poles or handrails.

Students are advised that New York State has additional regulations regarding the use of non-motorized transportation. These regulations can be obtained at the City Hall or by visiting their website at <http://www.safeny.ny.gov/bike-vt.htm#top>. The City policy pertains to these activities on public property, such as city streets, sidewalks, and parks.

Additional questions or comments should be directed to the Office of the Dean of Students (585-275-4085) in 510 Wilson Commons.

PARKING POLICIES

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

RESIDENTIAL LIFE AND DINING SERVICES POLICIES

Please review all Residential Life and Dining Services policies found here:

<https://www.rochester.edu/reslife/assets/pdf/yearly/reslife-combined-policy-list.pdf>

Additional information about dining services policies can be found online here: <https://dining.rochester.edu/meal-plans/terms-conditions/>

EDUCATION ABROAD CODE OF CONDUCT STATEMENT

Students should be aware that an expanded code of conduct exists for those participating in study abroad programs.

Please review all policies by visiting: <https://www.rochester.edu/college/abroad/students/preparing.html>.

UNIVERSITY TOBACCO POLICY

The use of tobacco, including the use of electronic smoking devices, is not permitted on any University property except in designated areas.

INFORMATION TECHNOLOGY POLICIES

Purpose

The University of Rochester recognizes the vital role information technology plays in the University's missions and related administrative activities, as well as the importance in an academic environment of protecting information in all forms. As more information is used and shared in a digital format by students, faculty and staff, both within and outside the University, an increased effort must be made to protect the information and the technology resources that support it. Increased protection of our information and Information Technology Resources to assure the usability and availability of those Resources is the primary purpose of this Policy. The Policy also addresses privacy and usage of those who access University Information Technology Resources. Please review all University IT policies by visiting:

<http://www.rochester.edu/it/policy/>

RESIDENTIAL COMPUTING NETWORK (ResNet)

Acceptable Use Policy

The Residential Computing Network (ResNet) at the University of Rochester provides in-room and public area connection services in River and Eastman campus residences in support of the educational mission of the University. It is the responsibility of each resident to use these services appropriately and in compliance with all University, local, state and federal laws and regulations. Access is a privilege that can be revoked due to misuse. By accepting University housing and/or connecting to the ResNet system the user agrees to the terms and conditions of this Acceptable Use Policy, related University of Rochester computer use policies and the Standards of Student Conduct.

The University and the Residential Life programs have adopted the following regulations on the use of the residential computing network:

1. ResNet services, equipment, wiring or jacks may not be altered, nor extended beyond the location of their intended use.
2. The residential network may not be used to provide access to University Information systems for purposes other than those that are in direct support of the academic program of the University. The residential network may not be used to provide access to the Internet by anyone not formally affiliated with the University.
3. Any receipt, retransmission or destruction of software or data must observe copyright laws, license restrictions and University policies.
4. Viewing, copying, altering or destroying any file, or connecting to a host on a network without explicit permission of the owner is a violation of this policy.
5. The University's networks are shared resources. Excessive use of network resources which inhibits or interferes with the use of these networks by others is not permitted.
6. The residential network may not be used for commercial or profit-making enterprise. Use of these resources for commercial gain is in opposition to the non-profit status of the University.
7. Users may not share University system passwords, use another person's account, even with permission, or allow use of an established connection by someone other than the registered user.
8. Users may not forge or otherwise misrepresent another's identity through any form of communication.

9. Users may not use ResNet to attempt to circumvent protection schemes or exercise security loopholes in any computer or network component.
10. Users who administer computers on ResNet that are used as servers have the additional responsibility to respond to any use of their server that is in violation of this Acceptable Use Policy. Server administrators must take steps to prevent recurrence of such violations and report these violations to the ResNet Administrator.
11. University network resources may not be used to defame, harass, intimidate, or threaten any other person(s). University harassment policies cover all uses of ResNet, including e-mail correspondences and news groups.
12. All approved ResNet users (e.g. students, administrative staff, faculty, Faculty in Residence, spouses, and children) are expected to abide by all guidelines mentioned herein when using these resources.

Violations of this Acceptable Use Policy will be adjudicated, as appropriate, by the Center for Student Conflict Management and the University Computing Center. Responses as a result of violations of these regulations may result in the following:

- Loss of access privileges
- University conduct responses as prescribed by student, faculty or staff behavioral codes
- Monetary reimbursement to the University or other appropriate sources
- Prosecution under applicable civil or criminal laws

Further information on the ResNet Acceptable Use Policy or to report problems or violations, you can contact Residential Life, the Center for Student Conflict Management, or the University Computing Center.

SOCIAL NETWORKING WEBSITES

The University does not monitor the internet for content. When we have knowledge of an allegation that the law or a University policy may be violated, we will investigate such allegations. Students may be held accountable for violations of law or University policies that are revealed during such an investigation.

Social networking sites present unique circumstances for their users, but do not necessitate a deviation from the policies and practices that guide the University community's use of the internet. Students are advised to be aware that the information they post on these sites may be seen by their relatives, their faculty, their future employers, etc. Just as the University does not monitor students' postings for content, it makes no effort and, in fact, can make no effort to control access to any student's information or postings on social networking sites.

ADDITIONAL COPYRIGHT INFRINGEMENT ("FILE SHARING") INFORMATION

Sharing copyrighted works without the copyright owner's permission, also known as file sharing, is illegal and a violation of University policy. Copyrighted works may include songs, films, television shows, video games and other software, and other original creative works. Copyright holders can find out exactly what files are shared from your computer through peer-to-peer file sharing programs like BitTorrent and Limewire, and many college students have paid thousands of dollars to settle civil suits brought by copyright holders. Students have the responsibility to know the law and University policy on downloading and distributing copyrighted files. Specific information is located at <http://tech.rochester.edu/security/copyright-file-sharing/>.

Copyright infringement can result in civil and criminal penalties:

- **Civil:** A copyright holder can sue to recover **either** (1) his actual damages (e.g., lost sales revenue) or (2) "statutory damages," which generally can range from \$750 to \$30,000 per work (e.g. song) infringed, and up to \$150,000 per work if the infringement is judged by a court to have been willful. The infringer can also be required to pay the copyright holder's attorney fees in addition to statutory damages.
- **Criminal:** a person who infringes copyright willfully **either** (1) for financial or commercial gain or (2) by reproducing or distributing works, during a 180-day period, with a total retail value of \$1,000 or more, can face fines up to \$100,000 and a prison term of up to one year.

Copyright infringement can result in University action separate from the legal ramifications above. University action may

include, but not be limited to, any one or more of the following:

- Termination of user privileges
- Disciplinary Probation
- Community Restitution
- Fines
- Suspension or Expulsion from the University of Rochester

QUESTIONS ABOUT POLICIES

For questions about policies, contact the Center for Student Conflict Management (585-275-4085 or conflict.management@rochester.edu) in 510 Wilson Commons. This office oversees the administration of the policies and the resolution of violations and actively engages in a cooperative effort to educate students and organizations about their responsibilities as members of the academic community.

POLICY CHANGES AND UPDATES

The College reserves the right to modify the policies, procedures, and guidelines contained within this document without notice. For information about updates or changes, students can contact the Center for Student Conflict Management (585-275-4085) in 510 Wilson Commons, or view the website at: <http://www.rochester.edu/college/dos/conduct>.

In the event of a policy or procedure change, students will be subject to the policies that were in effect at the time of the violation, however, the violation will be adjudicated using current procedures.

ADDITIONAL REGULATIONS

Regulations listed in this document are not all-inclusive. Additional rules and regulations are contained in the Official Bulletins of the University of Rochester, the UR Here Student Handbook, the Residential Community Standards material, the Residential Network Acceptable Use Policy, the Housing/Dining Contract, Residential Area Handbooks, and other notices from Residential Life and other offices.