

STUDENT CODE OF CONDUCT
UNIVERSITY STANDARDS AND ADMINISTRATIVE REGULATIONS

Table of Contents

Preamble	2
Article 1: Definitions	3
Article 2: Judicial Authority	4
Article 3: Proscribed Conduct	7
Article 4A: Rules of the Board of Trustees	12
Article 4B: University Standards	12
Article 5: Drug Free Schools and Communities Act	23
Article 6: Parental/Guardian Notification	24
Article 7: Student Organizations	24
Article 8: Administrative Regulations	26
Article 9: Parking and Traffic Regulations	33
Article 10: Student Academic Records & Financial Services	34
Article 11: Compliance Statements	35

Preamble

University disciplinary processes take appropriate action when student conduct directly and/or significantly interferes with the University's primary educational responsibility of insuring all members of its community the opportunity to attain their educational objectives in consonance with the institution's mandate. These regulations governing student behavior have been formulated to be reasonable and realistic for all students.

When a student has been apprehended for the violation of the community's law, the state, or nation, it is the University's position not to request or agree to special consideration for the student because of his or her student status. It should be understood that the University is not a law enforcement agency. At the same time, the University does not conceive of itself as a "sanctuary" for law breakers. The University has always been and should continue to be concerned that whenever students are involved in legal problems they be adequately advised and represented by qualified counsel.

A university, especially a State University subject to constitutional requirements, must guarantee students the rights which the society and its laws protect. An American university guarantees its students these rights on campus.

Students who violate a local ordinance, or any law, risk the legal penalties prescribed by civil authorities. However, violation of law for which the student pays the penalty will not necessarily involve a violation of academic standards or rules of the University. The University cannot be held responsible for off-campus activities of its individual students but maintains an interest in all behavior, whether on or off-campus, which may adversely affect the University. In cases involving violations of the law which occur off campus, the University may be concerned with the incidents which, by their nature adversely affect the University's educational mission.

In any University disciplinary procedure one of the highest priorities of the University is to safeguard the student's right to Due Process. Due Process is not an evasive legal concept but rather simply requires the rudimentary elements of "fair play" in an administrative proceeding. To this end, all University disciplinary procedures will at least afford the accused student a clear statement of the charges and the nature of the information upon which the charges are based. Secondly, the accused student shall be given the chance to have a fair hearing, and present his or her own position, information and explanation. Lastly, no disciplinary action will be taken unless the charges are substantiated by the preponderance of evidence. Courts have indicated that if these minimal elements of "fair play" are fulfilled, the defendant will have been afforded due process under the law.

All campuses of the State University, including the University at Buffalo, engage in periodic review of their policies to ensure they comply with current applicable case law and other legal mandates. The entire SUNY system operates under the Board of Trustees mandate that: "no student, faculty, or other staff member or authorized visitor shall be subject to any limitation or penalty solely for the expression of his view nor for having assembled with others for such purpose" (8 NYCRR Section 535.4).

In summary, the University expects and asks for its members no greater or no less freedom or liberty than exists for other persons in society. The University's position, therefore, is not to request or agree to special consideration because of the student's status. The University will not interfere with law enforcement and other agencies. As part of its educational mandate, it will be concerned about student rehabilitation and contribution to campus and society now and into the future.

Further information on academic policies can be found at the Student Response Center web site, which can be found at <http://src.buffalo.edu/>

ARTICLE 1: DEFINITIONS

A. The term "**University**" means the University at Buffalo, The State University of New York.

B. The term "**student**" is defined as any person who has enrolled or registered for study at the University at Buffalo for any academic period. Student status continues until it is terminated upon the occurrence of graduation, voluntary withdrawal, or other withdrawal / dismissal / expulsion of the student initiated by the University. A person shall also be considered a student when they are attending or participating in any activity preparatory to the beginning of school including, but not limited to, orientation and University housing check-in.

C. The terms "**academic good standing**" and "**satisfactory and timely progress toward a degree**" are defined for undergraduates at

<http://undergrad-catalog.buffalo.edu/policies> and for graduate students at

<http://grad.buffalo.edu/study/progress/policylibrary.html>

D. The term "**faculty member**" means any person conducting classroom activities at UB.

E. The term "**University official**" includes any person employed by the University performing assigned administrative or professional responsibilities.

F. The term "**member of the University community**" includes any person who is a student, faculty member, University official, or any other person employed by the University.

G. The term "**University premises**" includes all land, buildings, facilities, and other property in the possession of or owned, used, managed or controlled by the University or affiliates.

H. The term "**organization**" means any number of persons who have complied with the formal requirements for University recognition.

I. The term "**judicial body**" means any persons authorized by the Director of Judicial Affairs and Student Advocacy to determine whether a student has violated the Student Code of Conduct and to recommend imposition of sanctions.

J. The term "**Appellate Body**" means any person or persons authorized by the Director of Judicial Affairs and Student Advocacy to consider an appeal from a judicial body's determination that a student has violated the Student Code or from the sanctions imposed by the Student-Wide Judiciary.

K. The "**Vice President for University Life & Services**" and the "**Associate Vice President for Student Affairs**" are the persons designated by the University President to be responsible for the administration of the Student Code of Conduct.

L. The term "**policy**" is defined as the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residence Life Handbook, the Undergraduate Catalog, and the Graduate Policies and Procedures.

M. For definitions relating to "**academic integrity**", see the following locations:

<http://undergrad-catalog.buffalo.edu/policies/course/integrity.shtml> and

<http://grad.buffalo.edu/study/progress/policylibrary.html> for graduate students. For additional information please contact your specific professional school.

N. The term "**dismissal**" means that a student is permanently removed, for academic reasons, from all privileges offered by association with the University. Application for readmission may be possible.

O. The term "**suspension**" means removing from a student, for disciplinary reasons, some or all privileges offered by association with the University for a specified period of time.

P. The term "**expulsion**" means permanently removing from a student all privileges offered by association with the University.

Q. The term "**clear and present danger**" means immediate serious violence is expected or past conduct furnished reason to believe such conduct is contemplated; also, potential of immediate future repetition of prohibited conduct, i.e., sale/possession of drugs, acts of violence, exploitive and nonconsensual sexual behavior sale/distribution of alcohol, etc.

R. The term "**temporary suspension**" means under certain circumstances a student may be deemed to be a clear and present danger to the University community and may be suspended immediately pending a timely hearing on the alleged violations.

S. The term "**hearing**" refers to the meeting the student will have with a University official or judicial body as a result of being documented in an incident involving alleged policy violations. Sanctioned bodies include Greek Life Advisory Board, Student-Wide Judiciary, Residence Life, any authorized Greek letter Panel, administrative hearing bodies as assigned by the Director of Judicial Affairs and Student Advocacy (or designee), and authorized bodies within University academic divisions.

T. The term "**hearing panel**" refers to an adjudication that takes place when an agreement on the basis of responsibility for rules violations cannot be amicably reached.

U. The term "**victim impact statement**" refers to a written letter or e-mail provided to the appropriate judicial body from the victim of an incident. This may be used to consider sanctioning if a student is found responsible for violating campus rules relative to the victim.

ARTICLE 2: JUDICIAL AUTHORITY

Jurisdiction of the University

- A. University jurisdiction and discipline shall pertain to conduct which occurs on University premises, in / on properties or buildings owned / operated by the University, or off-campus and which adversely affects the University community, including any of its members, and/or the pursuit of its objectives and mission. In addition, illegal conduct off-campus may be adjudicated on campus as a violation of the Student Code of Conduct, and students outside of the United States may be held responsible on campus for violations of the laws of the country where they are visiting/residing.
- B. University regulations and procedures shall determine the composition of judicial bodies and determine which judicial body shall be authorized to hear each case.
 - 1. The Director of Judicial Affairs and Student Advocacy shall oversee the development of policies for the administration of the judicial program and procedural rules for the conduct of hearings.
 - 2. Decisions made by a judicial body shall be final, pending the normal appeal process.
 - 3. A judicial body may be designated as arbiter of disputes within the student community in situations which do not involve a violation of the Student Code of Conduct. This includes but is not limited to student government constitutional, procedural, and election issue.
- C. The University Police Officers are appointed under the Education Law and the Criminal Procedure Law. They have the authority to make arrests, and are empowered to enforce these

regulations and all applicable laws on campus and on any properties owned, rented, or leased by the University. The University Police Officers have the authority of policemen. Among their powers are the power to execute warrants, the power to stop, identify and interrogate individuals, and the power to issue appearance tickets.

Campus Disciplinary Action

Students referred for violations of the Student Code of Conduct are subject to disciplinary action through the Office of Judicial Affairs and Student Advocacy. The Director of the Office of Judicial Affairs and Student Advocacy will decide on the appropriate judicial body. A student may be referred to the Student-Wide Judiciary (SWJ), or to an administrative hearing. Both the SWJ and the administrative hearing officers act under the discretion of the Office of Judicial Affairs and Student Advocacy.

A. Student-Wide Judiciary

The SWJ is comprised of Justices and University Hearing Representatives. Justices are appointed by their respective student governments. University Hearing Representatives are students working for the Office of Judicial Affairs and Student Advocacy. Students meet with Hearing Representatives to resolve a referral. Both parties appear before a Justice for a formal review of the agreement, or if no agreement is forthcoming, either party may initiate a group consultation with the Justice. If no agreement is possible, either party may request a hearing panel of Justices. Hearing panels follow specific rules of procedure and the findings of the Justices are final and binding pending the appropriate appeal process. Details regarding the SWJ Rules of Procedure are available at the following web site: <http://www.student-affairs.buffalo.edu/judicial/rulereg.php>

1. Students accused of a violation of the Student Code of Conduct may choose an administrative hearing in place of the SWJ.

B. Administrative Hearing

The Director of the Office of Judicial Affairs and Student Advocacy (or designee) selects at least two persons in an administrative capacity at the University to provide a disciplinary hearing opportunity for a current (or former) student with pending campus disciplinary charges. Details regarding the procedures for administrative hearings are available at the following web site: <http://www.student-affairs.buffalo.edu/judicial/rulereg.php>

C. Bill of Rights for Sexual Misconduct/Violence Against Women Act

UB is committed to ensuring that victims of sexual assault, domestic violence, dating violence and/or stalking can obtain assistance and redress. University members are encouraged to read the Student's Bill of Rights located at:

<https://www.buffalo.edu/equity/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/sexual-violence-victim-survivor-bill-of-rights.html>

Sanctions

Sanctions shall be at the discretion of the judicial body and shall be limited only by the rules governing the University disciplinary bodies.

- A. The judicial bodies have the power to institute and/or recommend* the following range of sanctions:
1. Warning
 2. Restitution
 3. Counseling
 4. Loss of privileges
 - (a) Removal from University housing facilities.
 - (b) Loss of such privileges as may be consistent with the type of violation and the rehabilitation of the student.
 5. Campus Orders of Protection
 6. Disciplinary probation with or without the loss of designated privileges for a specific period of time. The violation of the terms of disciplinary probation or the infraction of any University rule during the period of disciplinary probation may be grounds for suspension or expulsion from the University.
 7. Suspension from the University for a specific period of time*.
 8. Expulsion from the University*.
 9. Community Service
 10. Permanent Transcript Notation: For Code of Conduct violations and crimes of violence, including, but not limited to, hazing, murder, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), the University shall make a notation on the transcript of students found responsible after a conduct process that they were “**suspended after a finding of responsibility for a code of conduct violation**” or “**expelled after a finding of responsibility for a code of conduct violation.**” The notation will be applied along with the date it was imposed. For the respondent who withdraws from the University while such conduct charges are pending, and declines to complete the disciplinary process, institutions may make a notation on the transcript of such students that they “**withdrew with conduct charges pending.**” The University may also choose to adjudicate such cases in a student’s absence. A suspended student may petition removal of a transcript notation **only** after the student’s suspension term has ended. A student transcript may be subject to a “**disciplinary sanction**” notation for other serious violations.
 11. Such other sanctions as may be approved by the University’s judicial bodies.
- B. Students who receive a permanent transcript notation for suspension or expulsion will not receive academic credit for the semester in which the suspension or expulsion occurred. In addition, students will be liable for all tuition and fees.
- C. Such other sanctions as may be approved by the University's judicial bodies.
- D. More severe sanctions will result for repeat offenders.
- *Subject to final review of the President, or designee, an action that is mandatory if suspension or expulsion is recommended.*

Appeals

Administrative Hearing Procedures: Guidelines for appeals can be found at:

<http://www.student-affairs.buffalo.edu/judicial/rulereg.php>

ARTICLE 3: PROSCRIBED CONDUCT

Applicable Laws, Rules and Regulations

All rules of the Board of Trustees of SUNY, and all the laws of the City of Buffalo, the Town of Amherst, the State of New York, and the United States of America apply on the campus and are considered part of the Student Code of Conduct. The State of New York laws include, but are not limited to, the New York State Penal Law, the New York State Vehicle and Traffic Law, the New York State Education Law, and the Alcoholic Beverage Control Law.

All of the rules and regulations in these chapters shall be considered as supplementing and implementing the appropriate rules of the Board of Trustees and city, state, and federal laws, and shall apply to all students. Students should familiarize themselves with the following University Regulations: Academic and Departmental, Library, University Motor Vehicle, Residence Halls, Apartments, University Health and Safety, Student Union, Computing & Information Technology rules of use statement, and other regulations established by University units in pursuit of their missions.

All non-academic regulations should be submitted annually to the Vice President for University Life and Services for review for consistency and subsequent approval. Conspicuous posting and/or dissemination to students affected by the regulations is the responsibility of the individual issuing department. Any offenses arising out of any of the rules mentioned shall be considered proper matters for adjudication before the appropriate University disciplinary body.

General Conduct Rules and Regulations

Any student found responsible for committing the following misconduct is subject to disciplinary sanctioning:

1. ALCOHOL

- A. Use or possession of alcoholic beverages except as expressly permitted by law, University regulations; and/or public intoxication.
- B. Distribution of alcoholic beverages except as expressly permitted by law and University regulations.

2. AMPLIFICATION - Use of amplification/audiovisual equipment and/or interference with any public, office, library, classroom, or other University function in any of the reservation facilities without prior approval from the Reservations Office.

3. ANIMALS – Possession or accompaniment of animals in any University building at any time. Exceptions include laboratory animals or animals needed because of a disability, and the Campus Living guidelines for pets.

4. **ARSON** - Causing a fire or explosion, or unauthorized use of any potential incendiary device / equipment.

5. **ASSAULT** – slapping, kicking, shoving or otherwise striking another person.

6. **ATTEMPT** - Attempting to engage in conduct which, if completed, would result in the violation of any rule applicable to the University.

7. **COMPLICITY** - Aiding, helping or otherwise assisting another in violating any rule applicable to the University.

8. COMPUTER ABUSE

A. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

B. Unauthorized transfer of a file.

C. Use of another individual's identification and password.

D. Use of computing facilities to interfere with the work of another student, faculty member or University official.

E. Use of computing facilities and/or e-mail to send obscene or abusive messages.

F. Use of computing facilities and/or e-mail to send unsolicited or unauthorized messages with the intention of reaching as many users as possible.

G. Theft or abuse of computer time.

H. Use of computing facilities and/or e-mail to interfere with normal operation of the University computing system.

9. **DEMONSTRATIONS** - Participation in a campus demonstration which disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt schedules and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement.

A. Providing or dispensing of materials that could lead to harm or injury to a person, including but not limited to self-defense spray, objects that can be thrown, objects that can be used to deface property, etc.

10. DESTRUCTION OF PROPERTY

A. Destroying, defacing, materially altering or otherwise damaging property not his or her own. This includes, but is not limited to, doors, windows, swipe card mechanisms, restroom equipment, vending machine equipment, University transportation equipment, etc.

B. Creating a condition which endangers or threatens property not his or her own.

11. **DISCRIMINATION** – Discrimination of a person or group based on race, color, national origin, gender, gender identity, marital status, pregnancy status, sexual orientation, age, religion, disability, predisposing genetic characteristics, military status, domestic violence victim status and ex-offender status.

12. **DISHONESTY**

A. Cheating, plagiarism, or other forms of academic dishonesty, as defined at the following locations: <http://undergrad-catalog.buffalo.edu/policies/course/integrity.shtml> for undergraduates, and <http://grad.buffalo.edu/study/progress/policylibrary.html> for graduate students.

B. Furnishing false information to any University official, faculty member, employee or office.

C. Forgery, alteration, or misuse of any instrument of identification including but not limited to driving licenses, passports, UB Cards, etc.

D. Forgery, alteration, falsification, or misuse of any University or Official document, supplies, or record, including but not limited to:

- i. Submission of a falsified universal grade change form to the University.
- ii. Submission of false grade information of any sort to a University office or department, employer, academic institution, etc.
- iii. Altering any academic coursework and or examinations so as to unjustly affect the grade awarded to that assignment.
- iv. Knowingly falsifying application information.

13. **DISORDERLY CONDUCT** - Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace.

14. **DISRUPTION** - Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public-service functions on or off campus, or other authorized non-University activities.

15. **ELECTION TAMPERING** – Tampering with the election of any recognized University student organization.

16. **FIRE-SAFETY EQUIPMENT** – Tampering with, or misuse of, fire alarms and firefighting equipment, including but not limited to fire extinguishers, fire hoses, heat and smoke detectors, sprinkler systems, etc.

17. **GAMBLING** - Gambling for money or other valuables on University property or in any University-managed facility.

18. **HARASSMENT**

A. Threatening or intimidating a person creating a rational fear within that person.

B. Engaging in a course of conduct or repeatedly committing acts directed at another person which would seriously annoy a rational person.

C. Creating a condition which endangers or threatens the health, safety or welfare of another person.

D. Physically restraining or detaining another person, or removing any person from any place where he or she is authorized to remain.

19. **HAZING** - Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.

20. **IMPAIRED DRIVING** - Operating a motor vehicle while under the influence of drugs or alcohol.

21. JUDICIAL SYSTEM

- A. Failure to obey the summons of a judicial body or University official.
- B. Falsification, distortion, or misrepresentation of information before a judicial body.
- C. Disruption or interference with the orderly conduct of a judicial proceeding.
- D. Institution of a judicial proceeding knowingly without cause.
- E. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- F. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
- G. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- H. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
- I. Influencing or attempting to influence another person to commit an abuse of the judicial system.

22. **KEYS/ACCESS CARDS** - Unauthorized possession, duplication or use of keys to any University premises or unauthorized entry to or use of University premises.

23. **LAWS** - Violation of federal, state or local law. NOTE: A finding of a violation under this rule does not require proof of a conviction in any non-campus legal proceeding.

24. **LEAVING THE SCENE** - Attempting to flee or unlawfully leaving the area of an accident, crime, a University violation (and/or areas of potential accidents, crimes, or violations), or avoiding being apprehended or questioning the University or other law enforcement agencies.

25. **LIBRARY PROPERTY** - Injury, defacement, destruction, or detention of (for more than thirty days following written notice from the University Libraries) any property belonging to, or deposited in, the University Libraries.

26. **MISREPRESENTATION** - Knowingly distorting or altering the truth for personal gain or favor.

27. **PHYSICAL VIOLENCE** - Physical violence or abuse, including verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.

- A. Using self-defense spray when circumstances do not justify it.
- B. Dating Violence: Violent act committed by a person in a social relationship of a romantic or intimate nature with the victim. The existence of the relationship shall be

determined based on a victim's statement with consideration of the length of the relationship, the type of relationship, and the frequency of the relationship.

C. Domestic Violence: Violent crime committed by current or former spouse or intimate partner; person sharing a child with the victim; and person cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

28. **POSSESSION** - Knowingly obtaining property, (including abandoned property), without the explicit authorization of the rightful owner.

A. Possession without authority of any University supplies or documents.

29. **REASONABLE REQUEST** - Failure to comply with a reasonable request of a University official, including but not limited to: an individual instructing a class, a librarian or designee in a library, a University Police Officer, any Resident Advisor, Residence Hall Director, and members of the University staff carrying out their duties and responsibilities.

30. **RULES** - Violation of published University policies, rules, or regulations.

31. **SEXUAL HARASSMENT** –

A. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

B. Unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment.

C. Submission to or enduring such conduct when rejected is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activity.

32. **SEXUAL VIOLENCE**:- Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including, but not limited to rape, sexual battery, and sexual coercion.

A. Sexual Exploitation - Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

33. **SMOKING** - Prohibited on all University-managed property, including all vehicles owned, leased, and operated by the University.

34. **STALKING** - Repeated direct or indirect coercive acts or offenses or acts or offenses through third parties which collectively instill a fear of physical injury or harm sufficient to cause the reasonable victim to suffer emotional damage. This includes any action for which the purpose is to attempt to manipulate or control another person.

A. Inappropriate actions may include, but are not limited to: phone calls, physical and/or verbal confrontations, breaking and entering (cars, apartments, lockers, etc.), vandalizing, etc.

35. **SUBSTANCES** - Use, possession or distribution of narcotics, controlled substances, and/or related paraphernalia except as expressly permitted by law.

36. **THEFT** - Using, taking, and/or possessing property or services that are knowingly not his or her own with intention to deprive owner of his/her rights.

37. **TRAFFIC** - Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

38. **TRESPASS/UNAUTHORIZED ENTRY** - Knowingly entering or remaining in a building, office, residence hall room, apartment or any other properties at any time without permission or authorization.

39. **WEAPONS** - Unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises.

40. UNIVERSITY GROUNDS

A. Use of University space and grounds by an organization or person without reservation of the space or proper authorization.

B. Operation of bicycles, skateboards, rollerblades, or other recreational items in any University building or facility.

C. Operation of bicycles, skateboards, rollerblades, or other recreational items in a reckless or unsafe manner on University grounds.

D. Storage of bicycles, skateboards, rollerblades, or other recreational items within any University building or facility without appropriate authorization.

E. Hover boards and other electronically operated skateboard devices are prohibited.

ARTICLE 4A: RULES OF THE SUNY BOARD OF TRUSTEES

The rules of the SUNY Board of Trustees and the Rules for the Maintenance of Public Order can be found online at: http://www.suny.edu/board_of_trustees/pdf/policies.pdf and http://www.suny.edu/sunypp/documents.cfm?doc_id=351

ARTICLE 4B: UNIVERSITY STANDARDS

A. Academic Environment

1. Academic Dishonesty

For definitions relating to academic integrity, see the following locations:

<http://undergrad-catalog.buffalo.edu/policies/course/integrity.shtml> for undergraduates and <http://grad.buffalo.edu/study/progress/policylibrary.html> for graduate students. For recent updates to academic policies, <http://academicaffairs.buffalo.edu/>

2. Academic Freedom

The University supports the principle of academic freedom as a concept intrinsic to the achievement of its institutional goals. This principle implies a trust in the integrity and

responsibility of the members of the academic community. Samuel P. Capen, former Chancellor of the University of Buffalo, who is remembered for the tradition of academic freedom he implemented during his leadership of the University, said in 1935:

"Acceptance by an institution of the principles of academic freedom implies that teachers in that institution are free to investigate any subject, no matter how much it may be hedged about by taboos; that they are free to make known the results of their investigation and their reflection by word of mouth or in writing, before their classes or elsewhere; that they are free as citizens to take part in any public controversy outside the institution; that no repressive measures, direct or indirect, will be applied to them no matter how unpopular they may become through opposing powerful interests or jostling established prejudices, and no matter how mistaken they may appear to be in the eyes of members and friends of the institution; that their continuance in office will be in all instances governed by the prevailing rules of tenure and that their academic advancement will be dependent on their scientific competence and will be in no way affected by the popularity or unpopularity of their opinions or utterances; that students in the institution are free, insofar as the requirements of the several curricula permit, to inquire into any subject that interests them, to organize discussion groups or study clubs for the consideration of any subject, and to invite to address them any speaker they may choose; that censorship of student publications shall be based on precisely the same grounds and shall extend no further than that exercised by the United States Postal Authorities."

3. Medical Excuses

The UB Student Wellness Team (Student Health Services, Counseling Services, Wellness Education Services) will not issue notes or excuses on a routine basis. To do so creates an undesirable climate for health care and disempowers students. Responsibility for class attendance and for completing assignments rests primarily with the student, who assumes this responsibility by communicating directly with faculty. Student Health Services and Counseling Services will, with the authorization of the student, verify the nature and extent of illness if the faculty member wishes to call. The UB Student Wellness Team can be reached at: <http://www.student-affairs.buffalo.edu/shs/>

4. Nondiscrimination

The University at Buffalo is committed to fostering a positive environment for learning, and to ensuring the safety, rights, and dignity of every member of the University community. To that end the University encourages each and every member of the academic community to assume individual responsibility for respecting the rights and dignity of others and for helping to promote the free and open exchange of ideas in an atmosphere of mutual respect.

Certain types of discrimination are prohibited by law. For example, discrimination on the basis of race is expressly prohibited by both federal and state constitutions and by a wide range of federal and state statutes. Other state and federal laws prohibit particular forms of discrimination based on such factors as sex, religion, national origin, age, disability, marital status, sexual orientation, or veteran status. Furthermore, Governor's Executive Order No. 28.1 prohibits discrimination on the basis of sexual orientation in employment and provision of services by state agencies. Students should be aware that

anyone who violates laws prohibiting specific forms of discrimination maybe subject to criminal prosecution or civil penalties. Harassment of any student, employee, or guest based upon any of these factors is prohibited by both law and University policy, and is subject to disciplinary action.

The State University Trustees have adopted a policy (Trustee's Resolution 83-216) which directs that judgments about and actions toward students and employees within the SUNY system be based on their qualifications, abilities and performance. The Trustee's policy goes on to say that attitudes, practices, and preferences of individuals that are essentially personal in nature, such as private expression or sexual orientation, are unrelated to performance and provide no basis for judgment.

Finally, it is the policy of the University at Buffalo to prohibit invidious categorical discrimination based on such characteristics as race, sex, sexual orientation, age, national origin, religion, veteran or marital status or disability in all matters affecting employment or educational opportunities within the University itself. It is the firm belief of the Council, the faculty, and the administration that judgments about persons within the University should be based on their individual merits, accomplishments, aptitudes, and behavior, and that invidious categorical discrimination is wholly inappropriate to the University's mission and values. Students who violate this policy shall be subject to sanctions within the University, up to and including expulsion. Any violation of the rules which is motivated by bias may be prosecuted and/or sanctioned as a more serious offense.

Complaints regarding any violations of nondiscrimination laws or policies, including sexual harassment or failure to provide reasonable accommodation should be made to the Office of Equity, Diversity, and Inclusion, (716) 645-2266.

B. Behavioral

1. Administrative Review/Withdrawal

(a) A student may be subject to an immediate administrative hearing OR an administrative review process, both of which could result in an involuntary administrative withdrawal from the University, or from University housing, if it is determined, by clear and convincing evidence, that the student is suffering from a psychological, emotional, or medical condition or disorder, and as a result:

(i) engages, or threatens to engage, in behavior which poses a danger of causing physical harm to others, or

(ii) engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impede the lawful activities of others.

(iii) engages or threatens to engage in behavior which would cause significant and/or repeated disruption to the University community.

(b) These standards do not preclude removal from the University, or University housing, in accordance with provisions of the residence hall occupancy agreement, or other University rules or regulations.

(c) A student accused of violating University disciplinary regulations may be diverted from the disciplinary process and withdrawn in accordance with these standards, if the student, as a result of mental disorder:

- (i) lacks the capacity to respond to pending disciplinary charges, or
- (ii) did not know the nature or wrongfulness of the conduct at the time of the offense.

(d) The Vice President for University Life and Services or designee may also convene a Behavior Evaluation Committee, to consist of as many of the following as are appropriate and available to serve: member of Counseling Services professional staff, member of Student Health Services professional staff, member of Campus Living professional staff (if student is an on-campus resident), member of University Police professional staff, member of the Judicial Affairs and Student Advocacy professional staff and any other individual(s) whom the Vice President believes can provide significant input regarding the student.

The Behavior Evaluation Committee, in consultation with a health care professional who has evaluated the student, will meet to review the student's situation and recommend that:

- (i) no action be taken.
- (ii) advisement of student about services available, on campus or within the community, to resolve psychological, emotional, or medical difficulties.
- (iii) advisement of student on voluntary withdrawal from the University and/or residence halls.
- (iv) involuntary administrative withdrawal process be initiated.

(e) The Vice President for University Life and Services or designee may refer a student for evaluation by a psychiatrist, psychologist, or other appropriate health care professional if the Vice President or designee reasonably believes that the student may be suffering from a psychological, emotional, or medical condition or disorder, and the student's behavior poses a danger of causing physical harm to the student or others, causing property damage, or directly and substantially impeding the lawful activities of others.

(f) Students referred for evaluation in accordance with this Part shall be so informed in writing, either by personal delivery or by certified mail, and shall be given a copy of these standards and procedures. The evaluation must be initiated within five business days from the date of the referral letter, unless an extension is granted by the Vice President or designee in writing.

(g) Any pending disciplinary action may be withheld until the evaluation is completed, at the discretion of the Vice President for University Life and Services or designee.

(h) A student who fails to complete the evaluation in accordance with these standards and procedures may be withdrawn on an interim basis, or referred for disciplinary action, or both.

(i) An interim administrative withdrawal may be implemented immediately if a student fails to complete an evaluation, as provided by these standards and procedures. Also, an interim withdrawal may be implemented immediately if the Vice President for University Life and Services or designee determines that a student may be suffering from a mental,

psychological, emotional, or medical condition or disorder, and as a result, the student's behavior poses an imminent danger of:

- (i) causing serious physical harm to the student or others, or,
- (ii) causing significant property damage, or directly and substantially impeding the lawful activities of others.

(j) A student subject to an interim withdrawal shall be given written notice of the withdrawal either by personal delivery or by certified mail, and shall be given a copy of these standards and procedures. The student shall then be given an opportunity to appear personally before the Vice President for University Life and Services or designee, upon request, immediately after the interim withdrawal, in order to review the following issues only:

- (i) the reliability of the information concerning the student's behavior;
- (ii) whether or not the student's behavior poses a danger of causing imminent, serious physical harm to the student or others, causing significant property damage, or directly and substantially impeding the lawful activities of others;
- (iii) Whether or not the student has completed an evaluation, in accordance with these standards and procedures.

(k) A student subject to interim withdrawal may be assisted in the appearance before the Vice President for University Life and Services or designee by a family member, a licensed psychologist or psychiatrist, a health care professional, or a member of the campus community. The student may be accompanied by legal counsel, although the role of counsel will be limited to providing legal advice to the student.

(l) An informal hearing will be held within five business days after the student has been evaluated by the appropriate mental health care professional. The student will remain withdrawn on an interim basis pending completion of the informal hearing, but will be allowed to enter upon the campus to attend the hearing, or for other necessary purposes, as authorized in writing by Vice President for University Life and Services or designee.

(m) Students subject to an involuntary withdrawal shall be accorded an informal hearing before the Vice President for University Life and Services, or designee. The following guidelines will be applicable:

- (i) Students will be informed of the time, date, and location of the informal hearing, in writing, either by personal delivery or certified mail, at least two business days in advance.
- (ii) The entire case file, including an evaluation prepared pursuant to these standards and procedures, and the names of prospective hearing participants, will be available for inspection by the student in the Vice President for University Life and Services office during normal business hours. The file, which should be available at least two business days before the informal hearing, need not include the personal and confidential notes of any institutional official or participant in the evaluation process.

(iii) The informal hearing shall be conversational and non-adversarial. Formal rules of

- evidence will not apply. The Vice President for University Life and Services or designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
- (iv) The student may choose to be assisted by a family member and a licensed psychologist or psychiatrist, a health care professional, or by a member of the campus community. The student may be accompanied by legal counsel, although the role of counsel will be limited to providing legal advice to the student.
 - (v) Those assisting the student, except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.
 - (vi) The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.
 - (vii) The health care professional who prepared the evaluation pursuant to these standards and procedures may be expected to appear at the informal hearing, and to respond to relevant questions, upon request of any party, except for legal counsel.
 - (viii) The Vice President for University Life and Services or designee may permit university officials, to appear at the informal hearing and to present evidence in support of any withdrawal recommendation, if the Vice President or designee determines that such participation is essential to the resolution of the case.
 - (ix) The informal hearing shall be tape recorded by the Vice President for University Life and Services or designee. The tape(s) shall be kept with the pertinent case file for as long as the case file is maintained by the University.
 - (x) A written decision shall be rendered by the Vice President for University Life and Services or designee within five business days after the completion of the informal hearing. The written decision, which will be mailed certified or personally delivered to the student, should contain a statement of reasons for any determination leading to involuntary withdrawal. The student should also be advised as to when a petition for reinstatement would be considered, along with any conditions for reinstatement.
 - (xi) The decision of the Vice President for University Life and Services or designee shall be final and conclusive and not subject to appeal.
- (n) Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

2. Drugs, Narcotics, and Alcohol

Possession / sale without prescription / medical authorization of any narcotic, barbiturate, or other illegal or controlled substance is contrary to federal and/or state

law. Any student found to be in illegal possession of drugs must be reported to the appropriate civil authorities and may also be subject to disciplinary action by the University. Information regarding Alcohol may be found in the Drug Free Schools & Communities Act section of this document.

3. Loitering and Trespassing

- a. Under New York Penal Law, Section 240.35, subdivision 5, a person is guilty of loitering when he or she loiters or remains in or about a school, college or University building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any specific, legitimate reason for being there, and not having written permission from any person authorized to grant the same.
- b. Under New York Penal Law, section 140.05, a person is guilty of trespassing when he or she knowingly enters or remains unlawfully in or upon premises.
- c. Under New York Penal Law Section 140.10 a person is guilty of criminal trespass in the third degree when he or she knowingly enters or remains unlawfully in a building or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders.

4. Picketing and Assembling

In regard to on-campus student actions and assemblies that tend to endanger life, public or private property or to violate local, State or Federal laws, each student will take the consequence of his or her own actions as an individual before the law, as well as being referred to the appropriate university disciplinary body.

All members of a University community must share the responsibility for maintaining a climate in which diverse views can be expressed freely and without harassment.

The University at Buffalo has traditionally supported the right of its students, faculty and staff to peaceful protest. Always implicitly is the understanding that demonstrators will not interfere with or violate the rights of others.

The University supports individual's rights to assemble. Public assemblies (protests, picketing, etc.) are allowed. Those members of the University community who feel compelled to express their dissent through picketing and other forms of demonstration must adhere to the following parameters:

- a. Picketing and assembling must not violate the provisions of the Rules for the Maintenance of Public Order of the SUNY Board of Trustees. These rules are available at: http://www.suny.edu/sunypp/documents.cfm?doc_id=351
- b. Picketing and assembling must following campus guidelines outlined: <http://student-affairs.buffalo.edu/studentlife/15picketingpolicyp.pdf> and <http://student-affairs.buffalo.edu/studentlife/15sanctionsp.pdf>. Guidelines include:

1. Picketing and assembling must be orderly at all times and should in no way jeopardize public order or safety or interfere with the University's programs.
2. Picketing or assembling must not interfere with entrances to buildings or the normal flow of pedestrian or vehicular traffic.
3. Those involved in picketing or assembling may not interfere by mingling with organized meetings or other assemblies.
4. Picketing or assembling may not obstruct or physically interfere with the integrity of the classroom, the privacy of the university housing, or the functioning of the physical plant.
5. Amplifying equipment is prohibited.
6. Indoor picketing or assemblies may be granted permission to assemble or hold a demonstration or assembly within a specified area within: Student Union, Harriman Hall
7. Any person or group may contact the Office of Student Life (phone: 716-645-2055) to inquire about space reservation on the property of the University at Buffalo.
8. Assemblies cannot last more than one day, duration not to exceed 12 hours in one day. No overnight assemblies/assemblies are allowed.
9. Indoor and outdoor encampment is prohibited.

5. Statement on Sexual Harassment

It is the responsibility of every member of the University community to ensure that we maintain a harassment-free environment. No student, employee, or visitor shall participate in creating an environment that is sexually intimidating, abusive, hostile or offensive to others. No member of the University community of either sex shall impose a requirement of sexual cooperation as a condition of academic advancement or employment, or in any way contribute to or support unwelcome physical or verbal sexual behavior.

Sexual harassment of students and employees as defined below is contrary to University policy and is a violation of federal and state laws and regulations. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; (2) submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive environment.

The University's office of Equity, Diversity, and Inclusion (EDI) is the compliance office for matters involving illegal discrimination and harassment, and is designated by the President to investigate allegations of such conduct and recommend appropriate action. The University's Discrimination and Harassment Policy, which prohibits sexual harassment, can be found on the University policy website at: <http://www.buffalo.edu/administrative-services/policy1/ub-policy-lib.html>. The policy applies to the University at Buffalo campuses, laboratories, clinics, and all auxiliary University locations.

The policy also prohibits retaliation against a person who reports sexual harassment, assists someone with a report of sexual harassment, or participates in any manner in an investigation of a report of sexual harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to the education or employment of the complainant or witnesses.

It is the responsibility of each student and employee to become familiar with the policy and avail themselves of the University's Anti-Harassment on-line training program which is located at: <http://www.buffalo.edu/equity/trainings-and-presentations.html>. Any member of the University community who requires additional information, wishes to make a complaint, or receive a copy of the University procedures to be followed for complaints arising from matters related to the policies outlined above should contact the Office of Equity, Diversity, and Inclusion at: 716-645-2266. More information about the University's sexual violence policies and resources can be found at: <http://www.buffalo.edu/equity/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/sexual-violence-reponse-policy.html>

C. Facilities

1. Food and Beverages

The possession of beverages and food stuff is prohibited in all areas so designated by the posting of appropriate signs. These areas include, but are not limited to all classrooms, lecture halls, laboratories, hallways, the Katharine Cornell Theater and all University Libraries.

2. Individual Petitions

Every student has the right to petition or disseminate information on campus, except within the residence halls. (Note: the intent of this provision is to respect the privacy of the residents, and is not intended to deny the individual's right to petition.)

3. Posting Policies

General University bulletin boards are restricted to campus activities and/or University at Buffalo related functions. Any not-for-profit organization outside the University must have approval before posting. Commercial (for profit) promotional materials are not allowed and will be discarded, and subject to maintenance charges for removal.

Request for special consideration for exceptional situations and/or unique material can be directed to the Student Affairs Office of Student Life, 150 Student Union from

8:30 a.m. to 5:00 p.m. weekdays. Posting policies for the Student Union appear at the web site: <http://www.student-affairs.buffalo.edu/student-unions/policy5.php>

Posting policies for Campus Living in the Guide to Campus Living, Appendix A, Rules, 2.00 Solicitation & Posting: <http://www.ub-housing.buffalo.edu/regs.php>

4. UBreathe Free

The University at Buffalo is committed to providing a healthy, comfortable, and safe environment free from secondhand smoke for its students, faculty, staff, and visitors. Smoking is prohibited on all University-managed property, both indoors and outdoors, including but not limited to:

- a. All buildings on the North, South, and Downtown campuses, classrooms, lecture halls, residences, residence halls, laboratories (this does not include labs which have received a waiver from the Erie County Health Commissioner to conduct smoking research), offices, work areas, study areas, reception areas, meeting rooms, lobbies, hallways, stairwells, elevators, eating areas, lounges, restrooms, and off-site locations.
- b. Fields, open land areas, garages, athletic fields, tracks, bleachers/grandstands, outdoor paths and roads.
- c. All partially enclosed areas including but not limited to covered and uncovered walkways, breezeways, bus stop shelters, loading docks, building entrances, and exterior stairways and landings
- d. All vehicles owned and leased by the University at Buffalo.
- e. Littering cigarette butts in parking lots or other areas of campus is prohibited.

Violations of this policy will be addressed through educational and corrective measures. Enforcement for employees remains consistent with the Smoke-Free Policy initiated in 1994:

http://hr.buffalo.edu/files/phatfile/UBreatheFree_Policy_Statement.pdf ; students will be referred to Wellness Education Services if they are interested in smoking cessation and/or counseling, and may be referred to the Office of Judicial Affairs and Student Advocacy as well. More information and resources for quitting smoking can be found at <http://hr.buffalo.edu/ubreathefree>.

5. Solicitation

Solicitation is defined as the offering of goods and services for sale either by advertising or direct sale that result in financial gain to the salesperson, individual(s), or organizations(s).

- a. Solicitation in the buildings, including residence halls, or on the grounds is strictly prohibited. No occupant is to use his or her room, or permit his or her room to be used, for any commercial purpose whatsoever. Any and all door to door solicitation is regarded as an unnecessary invasion on the privacy of the residents or occupants, and is therefore prohibited. This restriction applies to both commercial and non-commercial solicitation and to distribution of written materials as well as personal contact.
- b. "No authorization will be given to private commercial enterprises to operate on State University campuses or in facilities furnished by the University, or in any

Residence Hall, other than to provide for food, legal beverages, campus bookstore, vending, linen supply, laundry, dry cleaning, banking, barber and beautician services and cultural events. This resolution shall not be deemed to apply to Auxiliary Service Corporation activities approved by the University." (Board of Trustees Resolution)

6. Vendor Policy

- a. This policy applies to the Student Union and Harriman Hall as well as outdoor public spaces on the North and Campuses owned by the State of New York.
 - i. All outside vendors must be sponsored by a University recognized student organization. NO vendor will be permitted to sell on University property without such sponsorship.
 - ii. Due to space limitations, only two (2) groups sponsoring vendors will be allowed to sell in the Student Union lobby per day.
 - iii. The vendor will be provided with two (2) six-foot tables and up to four (4) chairs on the day of the sale. Each vendor must also adhere to the maximum table allotment, regardless of whether they use the Student Union's or have brought their own alternate assembly.
 - iv. It will be the responsibility of the student group to provide the vendor with the appropriate parking permits and Student Union policy information. The Office of Student Unions is not responsible for parking violations.
 - v. **A member of the sponsoring organization must be present and sitting with the vendor at all times while s/he is in the Student Union.** If a vendor is found to be on campus unaccompanied, s/he will be asked to leave University property. University organization/club members should be prepared to show identification (UB SUNY Card) upon request. **The table front must display a clearly legible sign indicating the sponsoring group's name.**
 - vi. All sales must be in compliance with the guidelines of the sponsoring group's parent organization, and vendors must comply with the requests of the Student Union staff.
 - vii. Vendors must unload in the loading dock behind the Food Service loading area. There is **NO** parking permitted on the sidewalk in front of the Student Union; violators will be ticketed.
 - viii. Vendors cannot post or hang any materials on the painted or glass surfaces of the Student Union. Banners, flyers, and signs may not be affixed to the building, benches, trees, or railings.
 - ix. No non-UB commercial food or apparel vendors are allowed.
 - x. Absolutely **NO** sale, distribution or promotion of credit cards, alcoholic beverages, firearms, tobacco products, fireworks, candles or other restricted or hazardous materials; pornographic materials or products; materials or products that create a clear and present danger to the University community; illegal items, bootleg materials, items made through copyright infringement.
 - xi. Groups/vendors may set up no earlier than 9:00 a.m. and sell any time between 9 a.m. and 4:00 p.m., Monday through Friday, when classes are in session. Groups/vendors must set up in their designated location only. A

representative of the sponsoring organization should meet the vendor at the Student Union Information Booth to sign the vendor in and sign out the tables and chairs.

- xii. Student Groups/University Departments may reserve only one (1) lobby information and vendor table per day with a maximum of three (3) per week and 10 per semester. Music is not permitted at these tables. The lobby area used by the group must be left in satisfactory condition (i.e. cleanliness of space). Failure to adhere to this may result in the billing of the group or a suspension of table reservation privileges.
- xiii. Vendors shall not sell counterfeit and/or stolen merchandise or any illegal items.
- xiv. Vendor set up must not impede vehicle or pedestrian traffic flow or otherwise cause any safety concerns.

7. Weapons and Explosives

- a. It is a violation of New York State Law and/or University Regulations for a person to possess a rifle, shotgun, firearms, ammunition, firecrackers, or explosives in or upon the buildings or grounds of the University without appropriate written authorization from the appropriate University official. This includes roman candles or similar combustibles or explosives.
- b. No person, either singly or in concert with others, shall possess and carry, on any grounds or in any building of the University, an air gun, BB gun, paintball gun or other instrument or weapon in which the propelling force is air or carbon dioxide, knife, club, slingshot, or other thing adaptable to the purpose of a weapon, including batons, canes or similar articles, excluding only orthopedic aids, athletic equipment, and project or construction materials and tools on proof of a proper specific use or purpose on the day in question.
- c. No person hired for purposes of enforcing security, whether in lieu of or in addition to University Police officers, may have in his or her possession in or upon the buildings and grounds of the University any firearm or other deadly weapon without specific written authorization from the University official empowered to give such authorization

ARTICLE 5: DRUG FREE SCHOOLS & COMMUNITIES ACT

In conjunction with the Drug Free Schools and Communities Act Amendments of 1989, the University at Buffalo is committed to clear and concise policies on substance abuse and a strong program of counseling, treatment, rehabilitation, and reentry. Students should be aware of the following information:

- A. Student rules and regulations prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol on campus properties or as part of its activities. All provisions of State Alcoholic Beverage Control Law and all rules of the State Liquor Authority apply on campus. No person under the age of twenty-one can possess any alcoholic beverage with the intent to consume. State and Federal drug and narcotic laws are also enforced on campus.
- B. Alcoholic beverages may be served on campus by groups and organizations provided the beverages are not sold and that such service is authorized by the campus Alcohol Review

Board. For information, go to the following link: <http://www.student-affairs.buffalo.edu/studentlife/alcohol.php>

- C. Alcohol and other substance abuse counseling, rehabilitation, and reentry programs are offered in the community. Student Health Services and Counseling Services can make referrals to community resources for UB Students. Counseling Services offers a number of programs and activities designed to assist students. Employees are served by an Employee Assistance Program: <http://eap.buffalo.edu>
- D. Student conduct violations are considered by the Office of Judicial Affairs and Student Advocacy. Sanctions may range from warnings to expulsion for violation of university standards.
- E. Local, state, and federal laws for the unlawful possession or distribution of illicit drugs and alcohol are enforced on campus.

A complete copy of the Drug Free Schools and Communities Act statement is available for student review. Direct inquiries to: Office of Judicial Affairs and Student Advocacy, 9 Norton Hall, 645-6154.

ARTICLE 6: PARENTAL/GUARDIAN NOTIFICATION

The University at Buffalo may advise parents or guardians of students under the age of twenty-one years of certain alcohol and drug violations. In general, parental/guardian alcohol and drug violation notifications may be made by the University in an effort to provide support for the individual student's development, academic success, and physical well-being.

Alcohol/drug violation parental/guardian notifications may be made, as appropriate, by:

- A. Office of the Vice President of University Life and Services, or designee;
- B. Judicial Affairs and Student Advocacy, Director, or designee;
- C. Residence Halls and Apartments, Director or designee; or
- D. University Health Service, Director, or designee.

The Vice President for University Life and Services or designee will coordinate notification process; approve parental notifications (in advance), maintain appropriate records, and arrange for necessary follow-up.

ARTICLE 7: STUDENT ORGANIZATIONS

A. Recognition and Registration of Student Organizations

Students interested in establishing an organization on campus should initially inquire about recognition through an appropriate student government. Application forms and the criteria for recognition are available at student government offices. Student organizations not affiliated with an appropriate student government may request registration through Student Life. Registration will be granted to organizations affiliated with the University and agreeing to abide by campus rules, regulations, standards, and policies. For general information about student organizations and the recognition/registration process, contact the Student Government Liaison in Student Life, 150 Student Union. For information on the recognition process for social fraternal organizations, contact the University Liaison for Greeks, 150 Student Union. Recognition and registration policies and procedures will be developed and implemented by Student Life.

B. Conditions for Registration of All Student Organizations

1. When functioning on campus, all registered student organizations will be held responsible by the University for abiding by federal, state, and local laws, as well as all University regulations. The University will not become involved in the off-campus conduct of registered student organizations except when such conduct is determined to have a substantially adverse effect on the University or upon individual members of the University community.
2. Any organization which restricts membership or eligibility to hold appointed or elected student officer positions on the basis of race, religion, sex (except as exempted by Federal Regulations), sexual orientation, disability, age, creed, National Origin, or veteran status will not obtain or maintain University registration / recognition.
3. Only currently registered students shall be eligible for active membership status in student organizations. Students must be in good academic standing as defined in Article 1 of this document:
 - a. to serve in an appointed office
 - b. to be a candidate for elected office
 - c. to serve throughout one's elected or appointed termRecognized/registered student organizations and governments may establish additional requirements for office or membership so long as they are not unlawfully discriminatory or in violation of University policy.
4. The purpose or purposes of a student organization must not conflict with the educational functions or established policies of the University. It is incumbent upon any person presenting objections to the application for registration or continuance of an organization to demonstrate how and in what manner the registration or continuance of that organization would conflict with the educational functions or established policies of the University.
5. Student organizations will not be granted recognition or registration status if the recognition/registration unit determines that its proposed purposes or functions duplicate those of an existing student organization. Student organizations will not be permitted to retain recognition/registration status if they do not fulfill their stated purposes and/or functions or violate campus rules, regulations, standards, and policies.
6. Registered student organizations may not engage in hazing activities.
 - a. Hazing is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student or that willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any registered student organization. Hazing includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity that could adversely affect the physical health and safety of the individual, and shall include any activity that would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result

in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. Any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in a registered student organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding. Any registered student organization that commits hazing is subject to disciplinary action.

C. Relation of the University to Student Organizations

Registration of student organizations shall not be construed as agreement, support, or approval by the University, but only as recognition of the rights of the organization to exist at the University, subject to the conditions enumerated herein.

D. Rights of Student Organizations

1. Registered student organizations may use the name of the University in their official titles to indicate location, not endorsement.
2. Registered student organizations may use University facilities subject to the duly established written rules governing such use.
3. Registered student organizations may petition for the use of mandatory student activity fees subject to SUNY guidelines, University regulations, student organization regulations and student government manuals.

E. Banned Organizations

A group that is banned from campus is one that has committed a severe violation or has a history of repeated violations of law and University regulations such as the group's conduct is determined to have irreparable adverse effects on the University or members of the University community. Any affiliation, including rushing, pledging, or residing in housing controlled by a banned organization is prohibited.

ARTICLE 8: ADMINISTRATIVE REGULATIONS

A. Violation of Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code of Conduct. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
2. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

B. Family Educational Rights and Privacy Act (FERPA)

1. The State University of New York at Buffalo complies fully with the Family Educational Rights and Privacy Act of 1974 in its treatment of student educational

records. This Act was intended to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction or deletion of inaccurate or misleading data through informal and formal hearings.

This institution's policy statement for FERPA explains in detail the procedures to be followed by the institution for compliance with the provisions of the Act. A copy of the policy is available in the Office Judicial Affairs and Student Advocacy, 9 Norton Hall. For further information about FERPA, please see

<http://www.ed.gov/policy/gen/guid/fpco/index.html>

<http://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/access-to-student-information.html>

2. FERPA affords students certain rights with respect to their education records. They are:
 - a. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate University official, a written request that identifies the record(s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
 - b. The right to request the amendment of the student's education records that the student believes is inaccurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
 - c. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person employed by SUNY System Administration, a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks. Student name and email address may also be available to classmates in a specific class, as educationally required.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the University may disclose education records without consent to officials of another school in which a student seeks or intends to enroll. The University of Buffalo does not supply directory information in support of commercial activities.

- d. The right to file a complaint with the U.S. Department of Education concerning alleged failures by State University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:
Family Policy Compliance office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520
3. Directory Information - Unless otherwise notified in writing, the University has the students' permission to release the following directory information upon request: name, current address, telephone number, e-mail address, major field of study, dates of attendance, and degree and awards received. The University will also publish name, major field of study, and e-mail address on its internet-accessible directory. To reverse directory information release decision electronically, go to the following web site:
<http://studentaccounts.buffalo.edu/legal/privacy.php>

C. Freedom of Information Law

The University complies fully with the New York State "Freedom of Information Law" (Article VI, Public Officers Law, as amended effective January 1, 1978), which was enacted to assure public accountability of state agencies while protecting individuals against unwarranted invasions of personal privacy. Records are made available through the campus Records Access Officer. Persons seeking access to records maintained by the University are advised to contact:

Records Access Officer

Brian T. Hines
Human Resources
Employee Relations
120 Crofts Hall
(716) 645-4475

To appeal a campus denial of access, persons may contact:

FOIL Appeals Officer
Geraldine Gauthier
Associative Counsel
Office of university Counsel
SUNY Plaza
Albany, NY 12246

D. Change of Address

Each student is required to keep the Student Response Center informed of his or her official permanent mailing address as well as their Buffalo-area address. Failure to adhere to this requirement is a violation of the Student Code of Conduct (Article 3). In addition, when charges are brought against any student, the judicial bodies shall use the address listed in the Student Response Center for service of process. Service of process for disciplinary purposes shall be deemed complete when notice is mailed to a student at the address furnished to the Student Response Center. Changes of address can be made electronically at <http://registrar.buffalo.edu/pdfs/studentAddressChange.pdf>

E. Identification Card

The student identification card, “UB Card,” will be issued to a student at the time of his or her first semester of enrollment. This is a permanent card that will serve the student as long as he or she is a registered student at the University.

The UB Card serves as official identification as a University at Buffalo student and entitles the owner to a wide-range of services including library privileges, admission to home athletic events, and campus cultural events, participation in student-sponsored activities, voting in student elections, access to University buildings for which the student is authorized access, and can also be used as your dining service and declining balance card, a campus cash card and as a vending machine debit card.

UB Cards are non-transferable. Cards that are used illegally or inappropriately will be confiscated and turned over to the UB Card Office. Since UB Cards also carry a variety of financial services, theft or misuse of a UB Card can lead to both campus and civil charges. Students accused of lending UB Cards and using another's UB Card will be charged with a violation of the Student Code of Conduct. As the official identification of student status, the UB Card should be carried at all times. Upon request by a University official, students are required to present their University UB Card. In the case of loss of the UB Card, a student should contact the UB Card office located in Room 228 of the Student Union on the North Campus, and in Room 104 of Harriman Hall on the South Campus. There is a fee for the replacement of the card. A schedule of replacement charges can be found at the following web site: <http://www.myubcard.com>

F. Student Representative to the Council

Election rules and regulations, pursuant to State Education law, shall be provided to the Vice President for Student Affairs no later than February 1 of each year. These rules and regulations must be mutually agreed upon by the various student governments and will serve as the guide for electing the succeeding year's representative. Further information is available at: <http://www.student-affairs.buffalo.edu/activities/>

G. Absence Due to Religious Beliefs

No person shall be expelled from or refused admission to an institution of higher education for the reason that he or she is unable, due to religious beliefs, to attend classes or participate in any examination, study, or work requirements on a particular day or days. For further details, please refer to the following web site in the University at Buffalo

Undergraduate Catalog: <http://undergrad-catalog.buffalo.edu/policies/course/religious.shtml> or <http://grad.buffalo.edu/study/progress/policylibrary.html> for Graduate Students.

Under Federal and New York State law, reasonable accommodation must be made for any student who is unable to attend a regularly scheduled class or exam because of religious observance. Students who believe they have been denied a religious accommodation should contact the Office of Equity, Diversity and Inclusion at 645-2266 or the Office of Judicial Affairs and Student Advocacy at 645-6154. Further information is available at: <http://policy.business.buffalo.edu/Policy%20library/Religious%20accommodation.pdf>

H. Environmental Health and Safety

Health related aspects of the environment and matters of personal and general safety are the function of the Office of Environmental Health and Safety.

1. Assistance is offered and concern is exercised in the areas of radiation safety, laboratory biohazards, occupational health and safety, academic programs, extracurricular activities, housing, fire drills, food service sanitation, fire protection, eye safety, insect control, accident investigation, emergency practices training programs, public assemblies and student assemblies.
2. Environmental Health and Safety rules are not reposed in a single document, but consist of policies and procedures promulgated by the Environmental Health and Safety Committee, rules adopted by the University at Buffalo, laws of Federal, State, and Governmental sub-divisions, and standards published by professional and technical societies.
3. Information, advice, and assistance on matters of environmental health and safety is available on the Office of Environmental Health and Safety web site: <http://www.facilities-buffalo.org/Home/Departments/ehs>

I. Use of University Names & Symbols

Recognized student organizations may use University names and symbols in connection with their programs and activities but the use must be in "good taste" and follow university trademark and licensing policy: <http://www.buffalo.edu/licensing/policy>. Use of University names, logos and symbols on merchandise or promotional and fundraising products is prohibited unless prior approval is granted with by the Office of Trademarks and Licensing, 330 Crofts Hall, Phone: 716-645-3413; web site: <http://www.buffalo.edu/licensing>. Items produced without approval may result in confiscation of the finished goods.

J. Building Hours

1. All University academic or research buildings shall be deemed closed at 11:30 p.m. unless otherwise posted. Faculty and staff who remain in these facilities after closing hours must show proper identification to University Police officers or area supervisors when requested. Students who remain in these facilities after closing hours must have written authorization from the appropriate university official and must provide it upon the request of a University Police officer or an area supervisor.

2. All other buildings, except residence halls, shall be deemed closed at 11:30 p.m. unless otherwise posted, or one-half hour after the completion of an authorized university event, the closing of a library, or the closing of a food service operation in that building.
3. Anyone remaining in any University facility after closing without proper authorization will be escorted out of the building and may be subject to arrest.
4. All residence halls are locked and only authorized University personnel, residents and their guests are permitted to enter.

K. Reservation of University Space and Grounds

Recognized student organizations, the academic departments, affiliated organizations, and the administrative units of the University at Buffalo may reserve grounds or non-departmental space for extracurricular activities.

Academic classes shall be scheduled first in University non-departmental space, and intercollegiate and intramural athletic events shall have priority use of athletic space and playing fields. Other nonacademic related activities will be scheduled on the basis of space availability.

Reservation forms are available from the Student Life Office. Space under jurisdiction of Residence Halls is reserved through the Campus Living Residence Life Office.

L. UB Immunization and Meningitis Information Requirements

New York State Public Health Law requires that all students (undergraduate, graduate, professional) born on or after January 1, 1957 must provide proof of immunity against measles, mumps, and rubella. The state also requires that all students receive information about meningococcal disease and have made an informed decision about whether or not to receive immunization against meningococcal disease. **UB students will not be allowed to register for classes until they have fulfilled these requirements.**

1. Measles/Mumps/Rubella Vaccinations

- a. Students must provide an official record of their measles, mumps, and rubella immunity before registering for classes. Records may be obtained from the students' past or current health provider, previous school or university, public health department or government agency. Students may utilize UB's Health Background Form for compliance. The following information describes the proof of immunity required for measles, mumps and rubella
 - i. Measles:
 - a) **TWO** doses of measles vaccine (or two doses of combined MMR vaccine) given on or after the first birthday, and at least 28 days apart. Vaccines given prior to 1968 are only valid if documented to be live vaccine without gamma globulin; or
 - b) Physician documented history of the disease; or
 - c) Serologic evidence of immunity (positive blood titers); or
 - d) Proof of attendance in a U.S. primary or secondary school after 1980, **PLUS** proof of a second dose of live measles virus vaccine administered within one year prior to attending UB.

- ii. Mumps:
 - a) One dose of mumps vaccine (or combined MMR vaccine) on or after the first birthday, given after January 1, 1969; or
 - b) Physician documented history of the disease; or
 - c) Serologic evidence of immunity (positive blood titers)
- iii. Rubella
 - a) One dose of Rubella vaccine (or combined MMR vaccine) on or after the first birthday, given after January 1, 1969; or
 - b) Serologic evidence of immunity (blood positive titers). (Note: history of illness is not acceptable).

Some students may be exempt from the requirement. A list of possible exemptions can be found at Student Health Services website at <http://health.buffalo.edu/immunization.php>.

Note: students with medical, religious, or military exemption will be allowed to register for and attend classes: however, those students who are not documented to UB as immune may be excluded from campus in the event of a measles, mumps or rubella outbreak, per New York State Department of Health policies.

2. Meningitis Information

- a. Students must verify that they have received information about meningococcal disease and have made an informed decision about whether or not to receive vaccination against meningococcal disease. Students comply by reading the required information regarding meningitis, and completing the meningococcal information response form. The student is considered compliant with the requirement whether they received the vaccination or declined it. For those students under the age of 18, a paper form must be signed by their parents/guardians.

More information can be found on the Student Health Services website at <http://health.buffalo.edu/immunization.php>

M. Health Insurance Requirements

The University at Buffalo (Domestic Students) and SUNY Administration (International Students) have medical insurance requirement policies. All International students and full-time domestic students (undergraduate 12 credit hours and graduate 9 credit hours) must maintain adequate comparable medical insurance while attending the University at Buffalo. The medical insurance coverage is mandatory and the premium is applied to all eligible student accounts. It is a waivable fee for any students who have private medical insurance that is comparable to the University at Buffalo student plans. Benefits must include, but are not limited to coverage in the Western New York area for hospital stays, physician visits, labs, and x-rays. Emergency only coverage in the Western New York area will not satisfy the policy requirement. Deadlines apply to the waiver application and process. Domestic students are required to apply for the waiver online and International students have paper waiver forms for submission. Information for enrollment, waivers and waiver deadlines can be obtained online:

<http://healthinsurance.buffalo.edu>

N. Electronic Communications

All University at Buffalo students are expected to regularly access their UB e-mail accounts and MyUB (<http://myub.buffalo.edu>). As a condition of enrollment, all students are responsible for reviewing, understanding, and abiding by the University's regulations, procedures, requirements, and deadlines and any changes thereto. Important news bulletins and other details that affect an individual's status and day-to-day life at the University also will be communicated via MyUB and UB e-mail. Students are also expected to use their UB e-mail account to communicate electronically with all University offices, faculty and staff. Information about UB e-mail accounts is available at this web site: <http://www.cit.buffalo.edu/mail/>

O. Credit Card Policy

The University at Buffalo prohibits the on-campus advertising, marketing, or merchandising of credit cards to students.

P. Affirmation of the University at Buffalo's Rules and Regulations

The State University of New York requires that all University at Buffalo students affirm the University's Student Code of Conduct. Affirmation must be confirmed in order for class registration to occur.

Q. Photographs

Photographs of University events and members of the campus community are regularly taken and subsequently displayed depicting the vitality of U.B. If a student does *not* want their picture used in this manner, they may advise the photographer.

ARTICLE 9: PARKING AND TRAFFIC REGULATIONS

A copy of the complete State University of New York at Buffalo Traffic and Parking Regulations may be obtained from Parking and Transportation Services, 106 Spaulding Quad, North Campus, or Harriman Hall, South Campus.

All faculty, staff and students will be issued a Vehicle Registration Permit upon the completion of vehicle registration and the payment of the required fee(s). The Vehicle Registration Permit must be affixed from the rearview mirror.

Parking is prohibited at all times on the roadways (except as posted), sidewalks, lawns, grounds, lanes, and throughways of parking areas. The University may have illegally parked vehicles towed away at the owner's expense. All unpaid parking tickets, towing charges, and storage costs will be the responsibility of the owner and must be paid before the vehicle is released.

The University at Buffalo's Transportation is reserved for our students, faculty, staff, and guests. Visitors attending programs or meetings at this University are welcomed.

For your safety, all riders must have identification. UB cards, our affiliate institution's identification or event/program confirmations are required.

For additional information on vehicle registration, permits, permanent or temporary handicapped parking permits, parking policies, parking fines, parking penalties, and liabilities, please visit the following web site: <http://www.student-affairs.buffalo.edu/parking/index.php>

ARTICLE 10: STUDENT ACADEMIC RECORDS & FINANCIAL SERVICES

A. Method of Billing: Students understand that the University at Buffalo uses electronic billing (e-Bill) as its official billing method, and therefore student is responsible for viewing and paying his/her student account e-Bill by the scheduled due date. Students further understand that failure to review his/her e-Bill does not constitute a valid reason for not paying his/her bill on time. e-Bill information is available at <http://studentaccounts.buffalo.edu/billing/index.php>

B. Payment of fees: Students understand that when they register for any class at the University at Buffalo, they accept full responsibility to pay all tuition, fees and other associated costs assessed as a result of their registration. Students understand that they must drop any courses before the semester starts or during the first week of classes to remove all tuition liability. Non-attendance in classes will not remove my liability.

C. Dropping/Withdrawing from Courses: Students understand that they may be responsible for partial or full tuition and fee liability when dropping courses. If a student wishes to drop a course, or formally withdraw from the University, he/she understand he/she must login to the MyUB student portal, drop course(s) and follow all withdrawal procedures. Students understand non-attendance of course(s) for which they are registered does not constitute a withdrawal from the course(s). Students understand enrollment changes may impact his/her financial aid, and he/she has reviewed the tuition liability schedule (<http://studentaccounts.buffalo.edu/deadlines/index.php>) and withdrawal procedures (<http://registrar.buffalo.edu/>) and financial aid information (<http://financialaid.buffalo.edu/>).

D. Financial Hold: Students understand and agree that if he/she fails to pay his/her student account bill or any monies due and owing the University at Buffalo by the scheduled due date, the University at Buffalo will place a financial hold on his/her student account, preventing him/her from registering for future classes, requesting transcripts, or receiving his/her diploma.

E. Late Payment Charge: Students understand and accept that if he/she fails to pay his/her student account bill or any monies due and owing the University at Buffalo by the scheduled due date, the University at Buffalo will assess an administrative and/or late payment fee per billing cycle on the past due portion of his/her student account until the past due account is paid in full.

F. Collection Policy and Fees: Students understand and accept that if there is an unpaid balance on his/her student account at the end of the semester, the account could be subject to additional collection activity. The University may refer my delinquent account to a collection agency and/or the New York State Attorney General's Office. Student further understands that he/she is responsible for paying the collection agency fee of up to 22% and the assessment of additional interest and fees that may be added to my outstanding account balances referred to collection.

For information about residency requirements, tuition and fees, and your university account, see the Student Response Center web site at <http://studentaccounts.buffalo.edu/>, <http://registrar.buffalo.edu/>

For information about the university comprehensive fees, see the following web site:
<http://studentaccounts.buffalo.edu/tuition/compfee/index.php>

ARTICLE 11: COMPLIANCE STATEMENTS

A. Title IX/VAWA/Sexual Misconduct Compliance Statement

SUNY and UB are committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving dating violence, domestic violence, sexual violence, stalking, sexual harassment, coercion, and intimidation will not be tolerated. The following statements are prepared in compliance with Article 129 of the Education Law, SUNY policies on sexual violence, and in accordance with Title IX/ VAWA regulations from the US Department of Education/Office of Civil Rights:

1. **Sexual Violence Response Policy:** <https://www.buffalo.edu/equity/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/sexual-violence-reponse-policy.html>
2. **Options for Confidentially Disclosing Sexual Violence:**
<https://www.buffalo.edu/equity/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/confidentiality-and-reporting-protocol.html>
3. **Student Bill of Rights:** <https://www.buffalo.edu/equity/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/sexual-violence-victim-survivor-bill-of-rights.html>
4. **Campus Disciplinary Action:**
The University's administrative hearing procedures for Title IX/sexual misconduct can be found at: <http://www.student-affairs.buffalo.edu/judicial/rulereg.php>
5. **Good Samaritan Policy:** A description of the University's "Good Samaritan Approach" can be found at : <http://www.student-affairs.buffalo.edu/judicial/samaritan.php>

***Students are encouraged to read through each policy carefully, as they contain specific information including but not limited to reporting procedures, resources and student rights.**

6. Definition of Affirmative Consent

- A. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation,

gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

6. Information on Security Procedures

The campus community is advised and updated on safety and security through a variety of methods. These include publication of the Annual Security report, which focuses on crime awareness and personal safety. The report is printed annually: <http://www.public-safety.buffalo.edu/annual.php>

In addition, the University Police Department widely distributes other publications on security issues, including Safety Awareness, Preventing Acquaintance Rape, and Public Safety. Notification is also made to the campus community, as appropriate, on specific threats to campus safety through campus media, publications, posters, and other methods.

B. Bias Crimes Prevention Compliance Statement

It is a University at Buffalo Police mandate to protect all members of the University community by preventing and prosecuting bias or hate crimes that occur within the campus's jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

Perpetrators who are students will be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, the University Police assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member or group within the University at Buffalo community based on race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, gender expression, sexual orientation, predisposing genetic characteristics, marital status, familial status, veteran status, military status, domestic violence victim status, or ex-offender status, may be addressed through the University's Discrimination and Harassment Policy or the campus conduct

code. Bias incidents can be reported to the University Police as well as to the Office of Equity, Diversity, and Inclusion.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by calling 716-645-2222 in an emergency, using a Blue Light telephone, or stopping by Bissell Hall. University Police will investigate and follow the appropriate adjudication procedures. For all other bias-related incidents, call the Office of the Vice President for University Life and Services at 716-645-2982. The Vice President for University Life and Services or designee will contact appropriate offices and departments for responses and follow-up, including but not limited to the Intercultural Diversity Center, Judicial Affairs and Student Advocacy, Campus Ministries, University Counseling Center, and more.

For general information on University at Buffalo security procedures, see <http://www.public-safety.buffalo.edu>. More information about bias-related and bias crimes, including up-to-date statistics on bias crimes is available from the University Police at (716) 645-2222.

C. Violent Felony Offenses/Missing Student Compliance Statement

The University at Buffalo Police department has a plan for the investigation of any violent felony offense occurring at or on the grounds of the University at Buffalo Campuses. In addition they have a plan for the investigation of a report of a missing student. The investigation of such crimes shall be done in coordination with local law enforcement agencies. The University at Buffalo has written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports. For more information relating to violent felony offenses or missing students please contact the University Police Department at 716-645-2222.

D. Advisory Committee on Campus Security Compliance Statement

The University at Buffalo has instituted a Personal Safety Committee that has student, faculty and staff membership. All meetings are open to the University Community. This committee reviews campus security policies and procedures and issues of related to personal safety and makes recommendations for their improvement. For more information on the Personal Safety Committee please contact the University Police Department at 716-645-2222 or visit their website at <http://www.student-affairs.buffalo.edu/public-safety/>.

E. Crime Statistics Availability Statement (Clery Statement)

The University at Buffalo is committed to assisting all members of the University community in providing for their own safety and security. The annual security & fire compliance document is available on the University Police website at: <http://upolice.buffalo.edu/annual.php>

A copy of the State University of New York at Buffalo campus crime statistics as reported annually to the U.S. Department of Education will be provided upon request by the campus Personal Safety Committee or you can access the crime statistics directly by going to: <http://upolice.buffalo.edu/annual.php>

Printed copies are available upon request by contacting. The University Police Department at Bissell Hall, Buffalo, NY 14260 or calling the Office of the Chief of Police at 716-645-2227.

Information regarding the University's Emergency Plans and Procedures can be accessed by going to: <http://www.emergency.buffalo.edu>

Information can also be obtained from the U.S. Department of Education website at: <http://ope.ed.gov/security/>

This information is required by law and is provided by the University at Buffalo Police Department; *supporting your right to know!*

F. Child Protection Compliance Statement

Pursuant to the policies of the State University of New York and the University at Buffalo, students must act appropriately when interacting with children on campus, and must report suspected child abuse and inappropriate conduct toward children occurring on University premises or in University programs. Under UB's Child Protection Policy (<http://policy.business.buffalo.edu/Policy%20Library/Child%20Protection%20Policy.pdf>), students and employees must:

- Engage in appropriate conduct when working with children.
- Remove a child from a dangerous situation immediately.
- Report inappropriate conduct in an activity to the responsible UB official who approved the activity.
- Report suspected child abuse to University Police (645-2222) and the Office of Equity, Diversity and Inclusion (645-2266) immediately. When working in an off-campus location, suspected child abuse should be reported to local law enforcement officials and EDI.
- Obtain visitors' written acknowledgement of their obligation to follow this Policy when approving access to University facilities for events/activities that include children.

More information can be found here: <http://www.buffalo.edu/home/child-protection.html>

Questions, comments and suggestions related to Student Conduct Rules, University Standards and Administrative Regulations should be directed to:

Judicial Affairs and Student Advocacy
9 Norton Hall
Phone: 716-645-6154
E-mail: ub-judicial@buffalo.edu

Updated January 2017