



# Student Code of Conduct

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## Article I - Introduction

SUNY Geneseo is distinguished by one overriding purpose: to achieve excellence in higher education. The College realizes this through a spirit of cooperation and collaboration among all members of the community. In particular, Geneseo values:

- Learning: embracing high expectations for intellectual inquiry, critical thinking, scholarly exploration, and personal growth.
- Creativity: Empowering a spirit of innovation that inspires intellectual curiosity, self-expression, and problem-solving.
- Belonging: Welcoming a diverse campus community that supports and celebrates different identities, promotes equity and inclusion, and respects the ideas and contributions of each individual.
- Civic Engagement: Encouraging active participation grounded in self-reflection, empathy, and an ethical commitment to the common good of our local and global communities.
- Sustainability: Building a culture of well-being that integrates and applies principles of environmental, social, and economic stewardship informed by an understanding of the past and our obligations to the future.

Individual honesty and integrity, respect of oneself and others, concern for the physical well-being of oneself and others, and concern for the community are fundamental to the

development of self-awareness and interpersonal competence that characterizes a liberally educated person.

SUNY Geneseo has formulated a student code of conduct on behavioral standards and expectations, which is consistent with its mission as an educational institution. These regulations and the procedures for their enforcement described herein apply to all student conduct and behavior.

The specific regulations described below should not be viewed as a comprehensive code of desirable conduct; rather they describe the minimum standards of behavior expected of Geneseo students in order to facilitate the fulfillment of the basic mission of the values of the college.

This student code of conduct is based on the principle that each student must accept responsibility for their own behavior.

SUNY Geneseo publishes and makes available to all students its regulations and its procedures for enforcing them (via this document and on the internet). Students are expected to become familiar with the regulations of SUNY Geneseo and act accordingly. A summary of SUNY Geneseo's Safety and Security Policy, as well as criminal offenses reported to campus authorities or local police agencies, arrests and conduct actions or conduct referrals for liquor, drug and weapons violations, are compiled and available for all students. The most recent version of the Annual Security and Fire Safety Report can be found at [University Police](#).

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## Article II - Definitions

When used in this Student Code of Conduct:

1. The terms "College," "institution," and "SUNY Geneseo" mean the State University of New York College at Geneseo.
2. The term "student" includes all persons taking a course or courses at SUNY Geneseo, either full- or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with SUNY Geneseo or who have been notified of their acceptance for admission are considered "students", as are persons who are living in SUNY Geneseo residence halls, although not enrolled. This Student Code of Conduct applies to all locations of the college.

3. The term “faculty member” means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. The term “College official” includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term “member of the College community” includes any person who is a student, faculty member, administrative staff, or person employed by the College. The Dean of Students shall determine a person’s status in a particular incident.
6. The term “College premises” includes all land, buildings, facilities, and other property in possession of or owned, used, or controlled by the College as well as including adjacent streets and sidewalks.
7. The term “organization” means any organization officially sponsored by or registered with the College.
8. The term “Student Conduct Board Committee” means a body of at least fifteen (15) members from which Student Conduct Board members are chosen. The President of the College appoints the members with the recommendation from the Dean of Students or their designee. The pool of Student Conduct Board Committee consists of at least five (5) faculty members, five (5) administrative staff members and five (5) student members. Appointments are for the period of one year.
9. The term “Student Conduct Board” means a group of three (3) voting members drawn from the Student Conduct Board Committee by the Dean of Students or their designee to hear a case of alleged student misconduct. In cases where there are allegations of violating the “SUNY Geneseo Sexual Violence Response Policy,” the Student Conduct Board shall consist of three faculty or administrative staff members. (If a case falls under the jurisdiction of the “Title IX Grievance Policy”, the hearing procedures will be dictated by the policies and procedures outlined in that separate policy.) In all other cases, the Student Conduct Board shall consist of 1 administrative staff member, 1 faculty member, and 1 student member. The Dean of Students or their designee serves as a nonvoting chairperson and procedural officer. The Student Conduct Board is charged with determining whether a student has violated the Student Code of Conduct and to levy sanctions when a rules violation has been committed. (College Council Approved Dec. 9, 2022)
10. The term “presenter” means a College faculty member or College official appointed by the Dean of Students or their designee to present College misconduct cases to the Student Conduct Board. The presenter does not represent any one party involved but rather offers

the basic information on the case at hand. This may be the non-voting member and procedural officer.

11. The term “Student Conduct Advisor” means a person requested by a student or a College faculty or administrative staff who assists the accused student or complainant in a Student Conduct Board review. The Dean of Students or their designee maintains a list of available Student Conduct Advisors. The conduct advisor may accompany the accused student to any Board review or pre-review meeting. The conduct advisor is chosen by the accused or complainant and may address the Student Conduct Board within a limited focus as determined by the presenter.

12. The term “Student Conduct Administrator” means a College official authorized by the Dean of Students or their designee on a case-by-case basis to determine whether students have violated the Student Code of Conduct and to impose sanctions upon students found to have violated the Student Code of Conduct.

13. The term “Appellate Administrator/Appellate Board” means any person or persons authorized by the Dean of Students or their designee to consider an appeal from a Student Conduct Board’s determination and/or sanctions, or from the determination and/or sanction(s) imposed by a Student Conduct Administrator. In cases where there are allegations of violating the “SUNY Geneseo Sexual Violence Response Policy”, the Appellate Board shall consist of three (3) faculty or administrative staff members. (If a case falls under the jurisdiction of the “Title IX Grievance Policy”, the appeal procedures will be dictated by the policies and procedures outlined in that separate policy.) In all other cases, the Appellate Board shall consist of 1 administrative staff member, 1 faculty member, and 1 student member. Appellate Board members should not have served on the Student Conduct Board for the initial hearing, should not present a conflict of interest, and should be properly trained in appeals procedures. (College Council Approved Dec. 9, 2022)

14. The Dean of Students is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.

15. The term “policy” means the written regulations of the College as found in, but not limited to, the Student Code of Conduct, Residence Life License, the Geneseo Handbook Update, and the Graduate/Undergraduate Bulletin.

16. The term “academic dishonesty” includes, but is not limited to: cheating, knowingly providing false information, plagiarizing, and any other form of academic misrepresentation.

17. The term “plagiarism” includes but is not limited to, the use, direct quotation without appropriate punctuation and citation of source, paraphrase of expression or thought without proper attribution, dependence upon a source for a plan, organization, or argument without appropriate citation. It also includes the intentional use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

18. The term “hazing” is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury. The following are non-exhaustive examples of conduct that causes or creates such a risk:
  - Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
  - Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - Causing, coercing, or otherwise inducing another person to perform sexual acts;
  - Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - Any activity against another person that includes a criminal violation of applicable local, New York State, Tribal, or Federal law; and
  - Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.
  - Any activity that can reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student, regardless of the person’s willingness to participate

19. The term “complainant” means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that they have been a victim of another student’s misconduct, the student who believes they have been a victim will have the same rights under this Student Code of Conduct as are provided to the complainant, even if another member of the College community submitted the charge.

20. The term “accused student” means any student accused of violating this Student Code of Conduct.

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## **Article III - Student Conduct Authority**

1. The Dean of Students or their designee shall determine the Student Conduct Administrator or Appellate Administrator, or the composition of the Student Conduct Board or Appellate Board, and determine who shall be authorized to hear each matter.

2. The Dean of Students or their designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of the Student Conduct Board reviews that are consistent with provisions of the student Code of Conduct. The Dean of Students or their designee is further authorized to modify those policies and procedural rules as long as the modifications are consistent with provisions of the Student Code of Conduct.

3. Decisions made by a Student Conduct Board and/or Student Conduct Administrator/Board shall be final, pending the outlined appeal process.

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## **Article IV - Proscribed Conduct**

### **A. Jurisdiction of the Student Code of Conduct**

The SUNY Geneseo Student Code of Conduct shall apply to conduct that occurs on College premises; at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The

Student Code of Conduct shall apply to a student's conduct even if the student withdraws from the College while a conduct matter is pending. The Dean of Students or their designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in their sole discretion applying the standard articulated above.

It is the obligation of every student to notify the Dean of Students office or Office of Student Conduct and Community Standards of any felony or misdemeanor arrests occurring at any time after the time of application through the actual awarding of a degree or separation from the institution, regardless of geographic location of the arrest or specific crime alleged.

Students have no more than 5 business days from arrest and/or release from custody to notify the College of their arrest. Failure to do so may result in conduct charges by the College. The College may review the facts underlying the arrest to determine if there is a concomitant Code of Conduct policy violation.

The provisions of this code apply regardless of the media/form of communication.

## **B. General Conduct Rules and Regulations**

The following is a list of examples of the types of behaviors that are antithetical to the values Geneseo has identified as essential elements of excellence in higher education. It is published to provide fair notice of the types of conduct that may result in disciplinary action. Note that engaging in speech or expression protected by the First Amendment is not a violation of College policy. This list is not all-inclusive. Alleged violations of the Student Code of Conduct may either be kept separate or be combined in investigations and/or the adjudication of alleged violations of other published college policies (e.g., Title IX Grievance Policy, Sexual and Interpersonal Violence Response Policy).

1. Physical abuse or verbal abuse resulting in intimidation or coercion of another person or group of persons including acts such as killing, assaulting, battering, stalking, sexually assaulting, or sexually harassing another person, dating or domestic violence, or any other conduct which threatens or endangers the physical safety or welfare of any person.

(Approved Oct. 16, 2020)

2. Deliberate or reckless endangerment, to self or others; tampering with safety alarms or equipment; setting unauthorized fires; violation of specific safety regulations; failure to render reasonable cooperation in any emergency.

3. Possession, use, or storing on campus of firearms (including but not limited to compressed air guns, air soft guns, pellet, or BB guns), dangerous weapons, dangerous chemicals, martial arts weapons (excluding those used by registered student organizations and that have modified for use for practice, approved by the University Police Department, registered with the College Union and Activities, and stored securely at an approved on-campus location), explosive devices of any description, knives (excluding standard kitchen knives or folding pocket knives), or fireworks.

4. Obstruction or disruption of regular College activities, including teaching, research, administration, campus services, student conduct proceedings, and organized events; deliberate interference with the free speech, expression or movement of members of the College community, including guests or visitors engaged in permissible use of College facilities; refusal to identify oneself when requested or to obey any other lawful instruction from a College official or faculty member to discontinue or modify any action which is deemed disruptive.

5. Dishonesty, including (but not limited to) provision of false information, alteration or misuse of documents, records, or instruments of identification, plagiarism, cheating or other forms of academic dishonesty, impersonation, misrepresentation, or fraud. Causing, making, or circulating a false report or warning of a fire, explosion, crime or other catastrophe.

6. Obscene behavior, offenses against public order, public sensibilities and the right to privacy, which include but is not limited to disorderly conduct, harassment, criminal nuisance and public lewdness.

7. Damage, abuse, or unauthorized use, or attempted or actual theft of personal, public, or College property, unauthorized entrance to college facilities, possession of stolen property, and littering.

8. Illegal use, sale, distribution, manufacturing, or possession of alcohol, intoxicants, or drugs (including but not limited to controlled substances and prescription medication). Participation of a student in any incident, accident, or personal injury that is related to the use by that student of alcohol, intoxicants, or drugs.

9. Use or possession of open containers of alcoholic beverages on campus, other than at approved locations and events or in accordance with the SUNY Geneseo Policy on Alcohol and Illicit Drugs is prohibited. Containers of alcoholic beverages found on campus, which are not in compliance with approved college policies, will be confiscated and/or destroyed by a University Police officer.

10. Hazing: Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury. The following are non-exhaustive examples of conduct that causes or creates such a risk:
  - Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
  - Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - Causing, coercing, or otherwise inducing another person to perform sexual acts;
  - Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - Any activity against another person that includes a criminal violation of applicable local, New York State, Tribal, or Federal law; and
  - Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.
  - Any activity that can reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student, regardless of the person's willingness to participate

This definition is compliant with New York State law. Under New York State Penal Law, a person may be charged with hazing if, during another person's initiation into or affiliation with any organization, they intentionally or recklessly engage in conduct that creates a substantial risk of and/or causes physical injury to another person. A criminal charge of hazing may result in a violation or misdemeanor.

11. Gambling on-campus or at College sponsored student activities.

12. Theft or abuse of computer resources, including but not limited to:

- 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. Unauthorized use of another individual's identification and password.
- d. Use of computing facilities to interfere with the work of another student, faculty member or College official.
- e. Use of computing facilities to send obscene or harassing messages.
- f. Use of computing facilities to interfere with normal operation of the College's computing system.
- g. Illegal use including but not limited to downloading or use of file sharing programs with regard to copyrighted materials.
- h. Any other violation of the College's computer use policy.

13. Any unauthorized use of electronic or other device to surreptitiously make an audio, video, photographic, web cast or digital record of any person while on College property without prior knowledge or without effective consent, except as permitted by law, when such a recording is likely to cause injury or distress. This includes but is not limited to surreptitiously taking pictures of another person in a location that violates the standard of reasonable expectation of privacy.

14. Failure to comply with the lawful directions of any college official, staff member, or student employee who is acting in performance of duties of position, and/or failure to identify oneself to these persons when requested to do so. Emergency orders may supersede some written regulations. Students who receive directives which they consider unreasonable, although not illegal, must obey them at the time and may bring a formal complaint against the issuing staff members by writing to the Vice President for Student and Campus Life.

15. Abuse of the conduct system, including but not limited to:

- a. Failure to obey the summons of a conduct body or College official.
- b. Falsification, distortion, or misrepresentation of information before a conduct body.

- c. Disruption or interference with the orderly proceedings of a student conduct proceeding.
  - d. Institution of a conduct proceeding knowingly without cause.
  - e. Attempting to discourage an individual's proper participation in, or use of, the conduct system.
  - f. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding.
  - g. Harassment (verbal or physical) and/or intimidation of a member of a conduct body, witness, or complainant prior to, during and/or after a conduct 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 student conduct system.
16. Violating any local, state or federal law if such action has a serious impact on the College community.
17. Violating any College policy, rule or regulation published in hard copy or available electronically on the College website.
18. Deliberate incitement of others to commit any of the acts prohibited above; involvement as an accessory to any of the prohibited acts by providing assistance or encouragement to others engaged in them or by failure to separate oneself clearly from another individual or a group in which others are so engaged when there is sufficient time and opportunity to do so.
19. Harassment, which may include any of the following:
- a. Unwelcome conduct directed against a person that is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in working or learning programs or activities, and creates a working or academic environment that a reasonable person would find intimidating or hostile;
  - b. Threatening or intimidating behavior, which would cause a reasonable person to become fearful;
  - c. Engaging in a course of conduct or repeatedly committing acts directed at another person, which would seriously annoy a reasonable person; and

d. Physically restraining or detaining another person

## C. Violation of Law and College Policies

Geneseo conduct proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code of Conduct. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Dean of Students or their designee.

Geneseo students, as members of the College community, are expected to act with respect for the safety, personal rights and property of individuals and groups outside the College, as well as respect the proper authority of local, state, and federal officers and officials. Please note that off campus conduct is specifically covered by this code. It is covered if it is of a serious nature affecting the interests of the College community and violates College standards of conduct as set forth herein. Loss of privileges, specified conduct requirements, or separation from the College may be imposed on any student whose conduct on or off campus adversely affects the academic community, particularly as it shows failure to accept responsibility for the welfare of other persons.

A College conduct proceeding is not a trial; any attempt to make it similar would seriously impair its educational function, which requires open discussion rather than adversarial debate. The College is committed to providing due process to all students involved in the College conduct proceedings.

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## Article V - Conduct Procedures

1. Any member of the College community may file a complaint against any student for misconduct. A complaint shall be prepared in writing and directed to the Dean of Students or their designee. Any complaint should be submitted as soon as possible and no later than six months after the event takes place. However, a complaint submitted more than six months after the incident does not necessarily preclude the College from considering institutional action. The determination to place formal charges of Code of Conduct violations shall remain at the College's discretion. The Dean of Students may waive the six-month limitation when a late submission is reasonable. Note: per state and federal regulations, the 6-month limitation does not apply to sexual misconduct cases, or any case falling under the purview of Education Law Article 129-B or Title IX.

2. The Dean of Students or their designee may conduct an investigation to determine if the charges have merit and/or they can be disposed of administratively by mutual consent of all parties involved, including the Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings.

3. The Dean of Students or their designee will review the results of the investigation to determine the severity of the charges. A case will then be designated as Level I or Level II based on the severity of the charges and/or conduct history. Level I cases are those in which the resultant action is expected to be less than suspension and are adjudicated by a Student Conduct Administrator. Level II cases are more severe cases where suspension or dismissal from the College is a possible outcome. A Student Conduct Board hears Level II cases.

4. All charges shall be presented to the accused student in written form within five (5) business days of receipt of a written complaint. The written charges will outline the specific rule(s), regulation(s), or law(s) violated. Written notice also includes a brief description of the incident and, when possible, the date, time, and location where the alleged infraction occurred, and direct students to a copy of the Conduct Procedures. Maximum time limits for notification may be extended at the discretion of the Dean of Students. For Level I cases, a review shall be scheduled in not fewer than 24 hours and not more than ten (10) business days after the student has been notified. For Level II cases, a review shall be scheduled in not fewer than five (5) business days and not more than ten (10) business days after the student has been notified. Maximum time limits for scheduling of a review may be extended at the discretion of the Dean of Students. In sexual and interpersonal violence cases, charges shall be presented to both the reporting individual and the respondent.

5. In Level II cases, the complainant and the accused student, or the reporter and the respondent in sexual and interpersonal violence cases, are given the opportunity to meet with the Dean of Students or their designee prior to the convening of the Student Conduct Board to discuss the board procedures.

6. The College allows students accused of violating the Student Code of Conduct, and complainants in sexual and interpersonal violence cases, to have the benefit of counsel or a conduct advisor at all Level II conduct proceedings and in those cases where a student is facing coexistent criminal and intramural charges stemming from the same incident. Counsel or the conduct advisor's role shall be passive and it is limited to advising the student as to whether the student should or should not answer questions. Counsel or the conduct advisor is not allowed to question members of the conduct board or witnesses, or conduct a traditional defense. Should counsel or the conduct advisor attempt to participate beyond this defined role, the chairperson and procedural officer may disqualify counsel or

the conduct advisor from further participation in the proceeding and direct their removal from the room.

7. Conduct proceedings shall be conducted by a conduct body according to the following guidelines:

a. Proceedings shall be conducted in private, either in person or virtually, at the discretion of the College.

b. In Level I proceedings, persons in attendance shall be limited to the accused student and the conduct administrator.

c. In Level II proceedings, persons in attendance shall be limited to: the complainant, the accused student, the conduct board, witnesses (for the duration of their statement), and counsel and/or the conduct advisor as described above. In Level II cases only, participants may also include the complainant (or a representative of the College if the College is the complainant), and counsel or conduct advisor of both the accused student and the complainant. In certain circumstances, other individuals may be invited to attend the hearing at the Dean of Student's discretion.

d. In student conduct proceedings involving sexual and interpersonal violence, the campus will allow both parties to review available materials and documents held by the campus in accordance with college policy. Parties can also present available materials and documents as appropriate under campus policies.

e. The complainant and the accused shall have the privilege of presenting witnesses, subject to the right of questioning by the conduct board, the complainant, and the accused. Any question asked by the complainant or the accused to a witness, the accused, or the complainant must be directed to the chairperson of the Conduct Board, who will then ask the question. This method is used to preserve the educational tone of the review and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board. Questions being asked for consideration to be asked to any witness or party should be submitted to the chairperson at least 24 hours in advance of the scheduled hearing. However, this does not preclude questions from being submitted for consideration during the hearing based on information learned during the hearing itself.

f. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a conduct board at the discretion of the chairperson or conduct administrator, and should be submitted at least 24 hours in advance of the scheduled hearing.

- g. All procedural questions are subject to the final decision of the chairperson of the conduct board or the conduct administrator.
- h. At the conclusion of the review, the conduct board or conduct administrator shall determine (by majority vote if the conduct body consists of more than one person) whether the student has violated each section of the Student Code of Conduct, which the student is charged with violating.
- i. The conduct body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct (preponderance of evidence).
- j. Upon determination of whether the accused student or respondent has violated any section of the Student Code of Conduct, which the student is charged with violating, a written notice of outcome will be sent to the student. In cases involving sexual and interpersonal violence, both the reporter and the respondent will be simultaneously informed in writing of the outcome, essential findings, and sanctions within 10 business days of the review. Maximum time limits for notification may be extended at the discretion of the Dean of Students.
- k. Depending on the circumstances, in cases involving more than one student, the conduct body will hear each case either separately or as part of a group. For issues of group or organizational misconduct refer to the procedures outlined in "Conduct Procedures for Registered Student Groups." (amendment approved October 1, 2021)
- l. A member of a conduct body who is unable to be impartial shall disqualify themselves. If the accused student challenges the impartiality of a conduct board member, a final determination as to the ability to serve on the conduct board will be made by the Dean of Students or their designee.
- m. There shall be a single verbatim recording made of all Level II (Student Conduct Board) proceedings. Deliberations shall not be recorded. This recording shall be the property of the College.
- n. If an accused student, with notice, does not appear before a Student Conduct Board, the information in support of the charges shall be presented and considered even if the accused student is not present. No student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a conduct body.
- o. The Student Conduct Board, for good cause, may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused

student, and/or other witness during the review by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, videotape, or other means, where and as determined by the Dean of Students or their designee.

p. A student charged with any violation of this Student Code of Conduct may choose to waive, in writing, any of the rights and/or procedures provided to them under the Student Code of Conduct. When a student waives their right to a conduct procedure, the conduct body will be convened to review the case and determine appropriate sanctions. The decisions of the body will be binding, pending the normal appeal process.

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## Article VI - Sanctions

The following sanctions (multiple sanctions may be utilized for a single violation) may be imposed upon any student found to have violated the Student Code of Conduct. A student's past conduct record shall be considered in the determination of appropriate sanctions. The following is not an exhaustive list of sanctions.

**Written Warning** – A notice in writing to the student that the student is violating or has violated College regulations and is cautioned that there will be further consequences if the Code of Conduct is violated again.

**Conduct Probation** – A written reprimand for violation of specified College regulations in effect for a designed period of time, during which there is a probability of a more severe conduct sanction if there is any further violation of the Code of Conduct. Maximum term of Conduct Probation is one academic year (posted to end of semester of the term of the probation – i.e. December 31 or May 31).

**Deferred Suspension** – A period of time of observation in which a suspension is placed on hold. During this time the student remains enrolled with the understanding that any subsequent violation of the Student Code of Conduct could result in suspension or dismissal. Deferred Suspension is imposed for a specific period of time (no more than one academic year (posted to end of the semester of the term of the suspension (i.e. December 31 or May 31)).

**College Suspension** – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The maximum term, which may be imposed (per adjudication), is one (1) calendar year (posted to end of semester of the term of the suspension – i.e.: December 31 or May 31).

The following actions may be applied in conjunction with Conduct Probation, Deferred Suspension and Suspension:

- Loss of Privileges – Denial of specified privileges for a designated period of time.
- Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions – Work assignments, alcohol or drug-related programs, service to the College, or other related discretionary assignments.
- Deferred Removal from College Residence Halls – Notice to a student that if there is subsequent violation of the Student Code of Conduct, the privilege of living in College residence halls will be terminated immediately with no refund.
- Residence Hall Suspension – Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. No refund of housing charges.
- Residence Hall Dismissal – Permanent separation of the student from College residence halls. No refund of housing charges.
- Withholding a degree – Geneseo may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of any sanction imposed.

Revocation of admission – Admission to Geneseo may be revoked for fraud, misrepresentation, or other violation of Geneseo standards. (amendment approved October 1, 2021)

Conditional Discharge – Dismissal of charges on conditions established by a conduct board or conduct administrator.

College Dismissal (expulsion) – Permanent separation of the student from the College.

Other than dismissal, revocation or withholding of a degree, hazing or other serious violations which lead to the death or serious physical injury of another student (as defined previously), or crimes of violence, including but not limited to sexual violence, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student conduct record maintained by the Dean of Students Office.

For students found responsible for hazing, sexual assault, and other serious offenses that may have resulted in the death or severe injury of another person, or crimes of violence, including but not limited to sexual violence as it is defined in the federal Jeanne Clery

Disclosure of Campus Security Policy and Campus Crime Statistics Act, and who were subsequently suspended or dismissed from the College as a result of their conduct, a notation (either suspended after a finding of responsibility for a code of conduct violation, or dismissed after a finding of responsibility for a code of conduct violation) will be made on the student's Geneseo academic transcript. Students may appeal to the Dean of Students for the removal of such suspension notation provided that such notations shall not be removed prior to one year after the conclusion of the suspension, while notations for dismissal shall not be removed. Further, students found responsible for such violations shall not receive credit for the semester in which the suspension or dismissal occurred, and will be liable for all tuition and fees for that semester.

For students who withdraw from Geneseo prior to conduct charges being issued, and decline to complete the conduct process, Geneseo will make a notation on the transcript that the student "withdrew with conduct charges pending."

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## Article VII - Interim Suspension

In certain circumstances, the President or their designee may impose a College or residence hall suspension prior to a Student Conduct review or Administrative Resolution with the Dean of Students or designee. (Approved Oct. 16, 2020)

1. Interim suspension may be imposed only if a student poses a direct threat:
  - a. to ensure the safety and well being of members of the College community;
  - b. to the student's own physical or emotional safety and well-being; or
  - c. of disruption of, or interference with, the normal operations of the College.

By direct threat it is meant that, in the view of the College, there is a high probability of substantial harm.

2. During the interim suspension, the student shall be denied access to the residence halls and/or to College premises (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the College official effecting the suspension may determine to be appropriate.

If suspended in this manner, the student is entitled to an interview with the Vice President for Student and Campus Life or their designee, within five (5) business days from the

effective date of the interim suspension in order to discuss the following issues only:

- a. the reliability of the information concerning the student's conduct, including the matter of their identity; and
- b. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to themselves or to others or the stability and continuance of normal College functions; and
- c. to outline the process through which the student's actions will be adjudicated through the Student Conduct Process or to establish the conditions under which a student may return to campus.

If an interim suspension is enacted as a result of a report of sexual and interpersonal violence, the respondent and the reporting individual are entitled to an interview with the Vice President for Student and Campus Life to review the items listed above.

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## **Article VIII - Notification of Parents**

The College is committed to a goal of student maturity and self-direction. The College also recognizes that some students have developed these qualities to a greater extent than others. In some cases, where a student has shown a pattern of irresponsible behavior and has not responded to College assistance or resources, parents may be notified. When a student is suspended, parents may be notified in order to provide parental assistance. All parental notification shall comply with the provisions of the Family Educational Rights and Privacy Act. Students are urged to discuss all conduct violations with their parents or guardians.

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## **Article IX - Release of Information**

Student conduct information is considered confidential and is governed by the College Records Policy, as well as federal and state law. When the news media or others seek information about conduct action, the policy employed to protect individual privacy is as follows:

1. To the question of whether a particular form of misconduct has occurred, the College will reply to the effect that such an incident of misconduct either was or was not reported (not

proven).

2. To the question of whether a particular student was reportedly involved in misconduct, the College will not reply without the student's permission.
  3. To the question of whether action has been taken, the College will reply to the effect that a student conduct review has been or will be or will not be held, without comment on the result of that review, only if the anonymity of all students involved can be maintained.
  4. To the question of whether a specified action resulted from the review, the College may respond to the effect that it did or did not result, but only if the anonymity of all students involved can be maintained.
  5. In the event that a public statement about student conduct action is incorrect or incomplete, the College may give any details considered necessary for an accurate report if it can do so without compromising any students' privacy rights.
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## Article X - Appeals

A decision or sanction reached by the Student Conduct Board or a conduct administrator may be appealed. A student's written appeal must be received in the Dean of Students Office within five (5) business days of receipt of written notification of the decision. Signed and dated appeals shall be delivered in person, via US Mail, via fax, or from a student's Geneseo email account.

Generally, the Dean of Students will serve as the Appellate Administrator in Level I cases, and an Appellate Board hears appeals in Level II cases. In cases where the Dean of Students is the Conduct Administrator for the Level I case, or is unable to hear the Level I appeal, the Vice President for Student and Campus Life or their designee will serve as the Appellate Administrator. All appeals of sexual assault or interpersonal violence cases shall be heard by an Appellate Board.

In cases of sexual and interpersonal violence, including sexual harassment, the accused/respondent and the reporting individual may both file a written appeal following a conduct administrator/board's written notice of outcome. If only one of the parties submits an appeal, the non-requesting party will receive notice of the appeal and may submit either their own appeal or a written response to the requesting party's appeal within five (5) business days of receipt of notification, which the Appellate Board/Administrator will consider together.

When a student appeals a conduct decision, any action based on that decision shall be suspended until the appeal process is completed. If a student was previously placed on interim suspension or other interim measure prior to the formal hearing, that interim measure may be reinstated for the duration of the appeals process at the College's discretion.

Written petitions of appeal must be based upon the circumstances listed below. The decision of the Appellate Administrator/Appellate Board is final and binding.

In cases involving appeals of violations of the Student Code of Conduct by accused students, review of the sanction by the Appellate Administrator/Appellate Board may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the Appellate Administrator/Appellate Board may, upon review of the case, decrease, but not increase, the sanctions imposed by the Conduct Administrator or Student Conduct Board. The Appellate Administrator/Appellate Board may also remand the case for a new review.

In cases involving appeals of violations of the Student Code of Conduct by reporting individuals in sexual and interpersonal violence cases, review of the sanction by the Appellate Board may not result in less severe sanction(s) for the accused student. Instead, following an appeal, the Appellate Board may, upon review of the case, increase, but not decrease, the sanctions imposed by the Student Conduct Board. The Appellate Board may also remand the case for a new review.

When both the accused and the complainant appeal in sexual and interpersonal violence cases, the Appellate Board, upon review of the case, may increase, decrease, or maintain sanctions, as appropriate, or remand the case for a new review.

Except as required to explain new evidence, an appeal shall be limited to review of the verbatim record of the initial review (in Level II cases – Student Conduct Board) and supporting documents for one or more of the following purposes:

1. Incorrect conclusion as to the extent of wrongdoing.
2. Failure of a conduct board/administrative officer to follow College procedural policy.
3. Extremely and unfairly punitive or lenient sanction(s). (In this case, it is necessary to distinguish between severe or mild action, which does not constitute grounds for appeal, and extremely punitive or lenient action, i.e., out of all proportion to the misconduct, which occurred.)

4. An appeal may be based on the unfairness of the rule, which was violated, in which case a decision on the appeal is made after the rule itself is reviewed by appropriate College personnel.

5. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because the person appealing did not know such evidence and/or facts at the time of the original hearing.

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## **Article XI - Interpretation and Revision**

A question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students or their designee for final determination. The Student Code of Conduct shall be reviewed every two years under the direction of the Dean of Students.

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## **Article XII - Authorization**

The Education Law of the State of New York (Section 356) establishes College Council for each unit of the State University of New York with the power to make regulations governing the behavior and conduct of students at each respective campus. This Student Code of Conduct has been reviewed and approved by the College Council of SUNY Geneseo.

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## **Article XIII - Public Order**

In addition to the Student Code of Conduct, there is a separate set of conduct regulations entitled the Rules for the Maintenance of Public Order on College Campuses. These rules are implemented in compliance with section 6430 of the Education Law and comprise Part 535 of Title 8 of NYCRR. The College reserves the right to decide on which set of conduct regulations to use in reviewing an allegation of violation.

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College Council Approval: October 7, 2011

Transcript Notation amendment Approved by Cabinet: October 2, 2015

Appellate Board amendment Approved by Cabinet November 10, 2015

Conduct proceedings review of materials amendment Approved by Cabinet November 10,

2015

Code 4 of General Conduct Rules and Regulations amendment Approved by Cabinet: June 27, 2017

Arrest self-reporting; interim suspension, transcript notations, and appeal adjustments for sexual misconduct; and adjustment to release of information, College Council Approval: October 12, 2018; Amended, August, 2019.

First amendment, Code 1 & 19, prior withdrawal, and interim suspension amendments College Council approved Oct. 16, 2020

Article V, 7k and Article VI Revocation of Admission amended and College Council approved Oct. 1, 2021.

Definitions 9 and 13 amended and approved by College Council December 9, 2022

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