

Standards of Student Conduct:
A Guide to the University of Rochester
Disciplinary Process and Policies

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UNIVERSITY *of*
ROCHESTER

Center for Student Conflict Management

STANDARDS OF STUDENT CONDUCT:
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Policies and Procedures

This list of policies and procedures is not all-inclusive. Additional rules and regulations are contained in the *Official Bulletin of the University of Rochester*, the *UR Here Student Handbook*, the *Residential Community Standards* material, the *Resident Network Acceptable Use Policy*, the *Housing/Dining Contract Booklet*, *Residential Area Handbooks*, and other notices from Residential Life and other offices.

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

THE UNIVERSITY OF ROCHESTER CONDUCT SYSTEM

STATEMENT OF COMMUNAL PRINCIPLES

Purpose

The University of Rochester is an institution dedicated to the discovery of knowledge through research and education. The College, in particular, is a community of engaged people who come together in a residential learning environment to learn, to teach, or to work in service to these endeavors. To encourage the participation and involvement of all members of The College, we have set forward several fundamental interrelated principles. The principles of freedom, responsibility, respect, honesty, fairness, and community are the necessary conditions to learning. It is these principles that we will use to develop systems and processes that safeguard the special nature of The College community and to ensure the involvement and inclusion of all its members.

Fairness

The principles of fairness and openness are fundamental to the operations of this community- its processes for decision-making, problem solving, and doing the work of the institution. Every person has the right to, and should expect, fair treatment according to openly-stated and clearly-articulated expectations, policies, and procedures and in accordance with the fundamental rights and privileges of a free society. Every person is encouraged in parallel ways to use fair and open methods of communication and action, including wherever possible, those provided by existing institutional channels, in voicing concerns and seeking solutions to problems.

Freedom

The freedom of all people in a community of learning to ask questions and to seek answers is essential and actively encouraged. Each person has the right to learn, teach, and work – to express themselves through their ideas and activities – without threat to his or her education or career progress or to that of others. Freedom of expression of ideas and action is not to be limited by acts of intimidation, political or ideological oppression, abuse of authority, or threat of physical harm and well being.

Honesty

Honesty and personal integrity are fundamental to all assumptions of participation in a community dedicated to the advancement of knowledge. Honesty advances our efforts as well as strengthens the interrelationships on which community is built. On the other hand, dishonesty undermines the search for truth and undermines the bonds between the persons who live, study, and work here. It further damages community by wasting the energy and educational opportunities of all involved.

Inclusion

Our community welcomes, encourages, and supports individuals who desire to contribute to and benefit from the institution's missions. Members of the University's community come from different geographical areas, represent differences in ethnicities, religious beliefs, values, and points of view; they may be physically different, have different intellectual interests, or have different abilities. We not only welcome such differences in members of our community, but we also actively seek to include them in all aspects of the institution's operations.

Respect

Respect for the basic dignity of self and others is essential to this community. Every person has the right to be treated with respect, regardless of the many differences that distinguish individuals and groups. Respect involves showing regard for other's well-being and safety as well as for their personal property, personal space, and for their living, learning, and working activities. In addition, members of this community also have a responsibility to respect the properties, and functions of the institution.

Responsibility

Freedom and responsibility are two sides of the same coin. To uphold this kind of freedom of expression and action in the public arena, each person has the responsibility to own his or her ideas and actions as well as express them in ways that do not limit or threaten others' freedom to learn, teach and work. This means that ideas and actions are neither anonymous nor isolated. To act or express one's ideas openly and in a responsible manner enhances the learning and growth of all. On the other hand, to act or express one's ideas in an irresponsible manner impinges on other's rights and freedom to learn and grow.

PRINCIPLES OF STUDENT CONDUCT

Students should conduct themselves in a way that reflects respect for the standards of our community; this includes obeying federal, state, and local laws as well as the guidelines listed below. Not knowing and understanding these standards is not a defense or valid excuse.

While this list is not intended to be exhaustive, some examples of how students might violate University standards and regulations include:

1. Fraud, misrepresentation, forgery, falsifying documents, records or identification cards, fabricating research data, and plagiarism given to or received by a University official acting within the scope of his/her duties. This includes providing incomplete information regarding an investigation into alleged policy infractions.
2. Unlawful or improper use, manufacture, sale, distribution, or possession of alcohol as defined by University Alcohol and Other Drugs Policy.
3. Unlawful use, manufacture, sale, distribution, or possession of drugs, narcotics, controlled substances, and/or the paraphernalia associated with such as defined by University Alcohol and Other Drugs Policy.*
4. Possession, distribution, or use of items presenting an imminent or potential threat to the safety and well-being of others, including but not limited to the following:
 - a. weapons of any type (firearms, bb or pellet guns, knives, bows and arrows, stun guns, paint ball guns, and the like)**
 - combustible materials such as gasoline or propane tanks,
 - b. candles, incense, or other open flame or burning substances,
 - c. operation of or tampering with fire safety apparatus for any purpose other than their intended and proper use.
5. Disorderly conduct including:
 - a. fighting, threats, assault, attempted assault, harassment, or other actual or attempted conduct which threatens the health or safety of yourself or another, or
 - b. noise violations or other actions which could reasonably be expected to compromise the unhindered pursuit of the University's educational mission.
6. Obstruction, disruption, or noncooperation with a disciplinary hearing process, including perjury, and the failure to comply with an imposed response.
7. Failure to comply with any reasonable request of a University official acting within the scope of his or her duties.
8. Actual or attempted:
 - a. theft to the property of the University or others, and/or
 - b. damage to the property of the University or others.
9. Unauthorized use or misuse of or entry into property or facilities;
 - a. obstruction of or dangerous interference with the free flow of traffic on campus;
 - b. leading or inciting the disruption of day-to-day activities of others on campus;
 - c. misuse of University computers and computer systems and copyright infringement violations (see Computer Use Policies).
10. Hazing, which may include actions taken or situations created which have the potential to produce mental or physical harm, discomfort, embarrassment, harassment, or ridicule to a reasonable person.
11. Sexual harassment, racial harassment, or any other form of illegal discrimination. (See University Policy on Harassment and Discrimination on page 21 and Sexual Assault on page 23.)
12. Sexual misconduct or assault, including any form of unwanted sexual contact. "Unwanted" means against a person's wishes or without consent, including those instances in which the individual is unable to give consent because of unconsciousness, sleep, impairment, or intoxication due to alcohol or other drugs. (See page 23 for more information on sexual assault).
13. Failure to consider community expectations and to demonstrate proper regard for the academic and personal rights of others. This includes complicity, as explained on page 20.
14. Any violation of the University's policies, rules, or regulations.

*Hookahs are frequently associated with drug use and are not permitted on campus without approval from the Office of the Dean of Students. Students wishing to obtain approval must bring the hookah to 510 Wilson Commons during regular business hours. If approved, the student will be given a certificate, which must accompany the hookah at all times. Any unregistered hookahs are subject to confiscation by University Security and/or the University Fire Marshal's Office. Students possessing unregistered hookahs will face disciplinary action.

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

THE CONDUCT PROCESS

Any member of the University of Rochester or surrounding community (students, staff, faculty, security, local law enforcement, local citizens/groups, others, etc.) may report an alleged nonacademic violation of the Code of Conduct by a student. Individuals who wish to file a report should speak with representatives from the following areas/offices:

- Office of the Dean of Students – River Campus
- Office of Student Life – Eastman School of Music*
- Office of Residential Life – River Campus (Director, Associate Director, Assistant Director, Area Coordinators, Graduate Head Residents, Community Advisors, Resident Advisors)
- Office of Residential Life – Eastman School of Music*
- University Intercessor
- University Security

**Complaints involving Eastman School of Music students are processed by the ESM Office of Student Life.*

All reports involving alleged nonacademic misconduct by River Campus students should be forwarded to the assistant dean of students, who acts as the judicial officer, in the River Campus Office of the Dean of Students.

The judicial officer will review the complaint and relevant documentation in order to determine whether or not there is sufficient cause to initiate disciplinary proceedings or pursue alternative means for resolution. Possible resolution options are as follows:

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

ORDER OF CONDUCT PROCESS

1. Initial Meeting(s): When a student is reported to have engaged in behavior that is detrimental to the University community a conduct officer will reach out to the student and schedule an initial meeting. During this meeting the student will have the opportunity to read the report and share his/her perspective about what happened.

a. Typically, during this meeting the conduct officer will determine whether or not the student will need to participate in a formal conduct hearing or if they will be given the chance to participate in the Responsible ¹ or Second Chance Options². If the student is offered and agrees to resolve the incident through a Responsible or Second Chance Option the paperwork is completed during this meeting and the issue is considered resolved. If a student needs to participate in a formal conduct hearing a Pre-hearing Conference Meeting is scheduled.

2. Pre-Hearing Conference Meeting: During a prehearing conference meeting the conduct officer meets with the respondent(s) and discusses the hearing process as outlined in the fundamental fairness section of this document on page 4.

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

4. Post Hearing Meeting: After the hearing the judicial officer or his or her designee will meet with the respondent to discuss the outcome of the hearing and share information about how to submit an appeal if one is warranted.

¹ For more information on the Responsible Option see page 8.

² For more information on the Second Chance Option see page 14.

FUNDAMENTAL FAIRNESS IN HEARING PROCESS

A student will not be subject to official action for non-academic misconduct unless

- a. The student has had a conduct hearing; OR
- b. The student has waived the right to a hearing through a responsible plea; OR
- c. The judicial officer has taken interim action (interim response pending a hearing); OR
- d. Discretionary responsibility for resolving the matter has been retained by the President or a delegate.

The fundamental fairness points outlined below apply to all students who will participate in a hearing to determine whether they have violated the standards of our community. In many cases, the University is the only identifiable victim of an alleged offense, however, when the judicial officer identifies another student as a victim they are also afforded the rights outlined below.

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

1. All charges must be in writing and presented to the respondent and victim at the time of notification of the hearing.
2. Charges shall be reasonably specific as to the nature, time, and place of the alleged infraction.
3. The respondent and victim shall be informed of his or her rights in his or her preliminary meeting with the judicial officer.
4. The respondent and victim shall be afforded two (2) days to indicate a preference for which kind of hearing (e.g., administrative or student) he or she wishes to have. This two day limit shall also be the term during which offers for a Responsible Option—if offered—shall be valid. Final determination of hearing type shall be made by the judicial officer.
5. The respondent and victim shall be afforded at least seven days' notice of the hearing in writing.
6. Hearings are normally scheduled within 14 business days after the hearing forum has been selected; however, the judicial officer may extend or shorten time lines to accommodate academic calendar or other extenuating circumstances.
7. The respondent and victim may indicate a preference for an open or closed hearing. (Open hearings can be attended by members of the University community, and information about the incident and hearing can be made available to members of the University community). In the absence of an indicated preference, hearings are closed. Final determination of whether a hearing will be an open or closed hearing shall be made by the judicial officer.
8. The respondent and victim shall have the right to be accompanied by an advisor who may confer with and assist the student but may not speak for him or her as an advocate. The advisor must be a member of the University community who is not an attorney. Names of recommended advisors who are well informed about disciplinary procedures are available from the Center for Student Conflict Management. Respondents and victims are strongly encouraged to choose an advisor knowledgeable in the conduct process. In cases involving allegations of sexual assault or harassment the advisor may not be an undergraduate student.
9. Hearings are recorded. A recording of the hearing will be available in the event of an appeal, but remains the property of the University.
10. The respondent and victim shall have the opportunity to answer accusations and to submit the testimony of material witnesses on his or her own behalf. Witness statements, security reports, residential life incident reports, and depositions—scheduled with the judicial officer and respondent—shall be acceptable as documentation submitted to a board. All other documentation is subject to review by the judicial officer prior to the time of the hearing.
11. All evidence and testimony, including the relevant security reports, the text of statements made by the respondent prior to his or her hearing and used at the hearing, and any physical evidence shall be presented in the presence of the respondent; however, legal rules of evidence shall not apply.
12. Relevant reports, documents and other evidence may be reviewed by the respondent and victim in the Office of the Dean of Students prior to the hearing. Copies of any such material may not, however, leave the office.
13. The respondent and victim shall have the opportunity to indirectly question (through the hearing teams/officers) all witnesses present during the hearing. This does not necessarily include the right to confront witnesses in person.
14. The victim will be given an opportunity to make a victim impact statement which will become part of the case record to be reviewed by the judicial officer and by any dean or director considering an appeal.
15. The victim may request separate hearing rooms (connected electronically) in order to allow full participation of the parties while at the same time avoiding undue embarrassment or intimidation.
16. Victims should be aware of the fact that they may be required to refrain from speaking publicly about the outcome of judicial cases due to laws and University policies. In the event that such is necessary, the victim will be informed by the judicial officer.
17. The respondent and all other participants are expected to cooperate during the hearing and be truthful in their testimony and responses to questions. A respondent may choose to refrain from providing testimony or answering questions; however, he/she may not then provide a statement on his/her own behalf. Depending on all the information

presented, a respondent who refuses to give testimony or answer questions may nonetheless be found responsible by the hearing officer or body.

18. The conduct board/officers shall determine by a majority vote whether it is more likely than not (i.e., by a preponderance of the evidence) that the respondent violated the standards of the University of Rochester community.

19. The findings and recommendations of any of the conduct board/officers will be forwarded to the judicial officer. In the event the judicial officer does not accept the findings or recommendations of a conduct board/officer, he or she may request further consultation and review by the conduct board/officer or may make a different finding or recommendation if warranted by the evidence presented at the hearing. The judicial officer will notify the respondent and the victim of the outcome, unless prohibited by law.

20. The respondent and victim has a right to appeal a final decision in a nonacademic case to the appropriate dean/director and in an academic case to the provost.

21. The judicial officer has discretion to modify, expand, or clarify these standards and any other aspect of the disciplinary process, depending on the circumstances.

APPEALS

Grounds for Appeal

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

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

Process of Appeal

An appeal must be made in writing to the appropriate dean/director within seven days of the date of the letter officially stating the original disciplinary decision. The name and contact information for the appropriate dean/director to whom the appeal should be submitted will be included in the decision letter. This letter to the dean/director will be the formal basis of appeal and should state the grounds on which an appeal is made and what the appellant believes supports an appeal on those grounds. The dean/director may review some or all of the material from the original hearing before considering an appeal. The dean/director may consult with anyone he or she feels is pertinent to, or would be helpful in determining the appeal.

Effect of Appeal

The student appealing will receive a written decision from the dean/director. On appeals, the dean/director may uphold or modify the decision, or the case may be referred back to a board for a new hearing. At the discretion of the dean/director and upon the recommendation of the judicial officer, where appropriate, all or some of the responses may be suspended pending the final decision.

BASIC RIGHTS AND EXPECTATIONS

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

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

There are important technical differences between campus and criminal judicial proceedings. The University of Rochester, in contrast to the state, does not have fully trained police or investigative units, does not have legal counsel in preparing or presenting cases, and has limited capabilities in comparison with the state to subpoena witnesses or punish them for perjury. It would not be in either the University's or the student's best interest to attempt to incorporate these features in the campus judicial system. Indeed, a formal and adversarial procedure might have the effect of suppressing information that, in the interest of a student's long-term development, is best to bring out.

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

DIVISION OF JURISDICTION AND RESPONSIBILITY

- A. Authority to hold students³ accountable through the conduct system is vested in the president of the University by the University’s bylaws. This authority has been delegated through the dean of the college and dean of students to the judicial officer in the Office of the Dean of Students for all nonacademic conduct incidents involving both undergraduate and graduate students with a further delegation to conduct teams/officers. These conduct teams/officers determine whether an alleged violation of the standards of the University community occurred by the preponderance of the evidence. If the team/officer finds that a violation did occur it further determines the response which is most likely to benefit both the individual student and the larger University community. As the University official responsible for discipline, the judicial officer receives the recommendation of these conduct teams/officers on behalf of the University, accepts or modifies the recommendation, and formally implements University disciplinary action.
- B. Jurisdiction over cases of academic misconduct involving undergraduate students has been delegated to the College Board on Academic Honesty which makes findings and submits recommendations to the dean of the appropriate college.
- C. There is not always a clear distinction between academic and nonacademic misconduct. The fundamental criterion for deciding whether a matter is academic or nonacademic is whether the student was acting in a scholarly or professional capacity. When the incident involves a student acting in his or her role as a student, teaching assistant, or expert in his or her discipline, then the matter is an academic matter. When the incident involves a student acting as an individual independent of these roles, then the matter is nonacademic. The available hearing procedures are not intended to be mutually exclusive: it is possible that a student could be subject to both academic and nonacademic discipline for the same misconduct.
- D. Discretionary responsibility for handling extreme cases, where such action is essential for maintaining the orderly processes of the University, is retained by the President or a delegate.
- E. Other officers and agents of the University may promulgate rules and regulations applicable to students in particular situations independent of these procedures and guidelines. These officers and agencies shall report serious violations of such rules and regulations to the judicial officer.

Conduct Officers/Bodies

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

- **Residential Life Staff:** Residential Life Area Coordinators, Assistant Directors and Associate Directors process most Responsible Options. These professional staff members resolve, whenever possible, alleged violations of policies by residents from their respective living areas. They are authorized to issue the full range of responses up to, but not including, Suspension from the University and Expulsion.
- **Administrative Conduct Officer:** An Administrative Conduct Officer—typically the judicial officer, the director of Residential Life, an associate director of Residential Life, or a designee appointed by the judicial officer—may conduct disciplinary hearings without a board or council. Administrative conduct officers are authorized to issue the full range of University responses.
- **All Campus Judicial Council:** The ACJC is made up of student justices including a chief and associate chief. A faculty or staff member serves as an advisor and nonvoting member. This hearing body resolves disciplinary cases ranging from simple to very serious, and has authority to issue the full range of University responses.
- **Administrative Conduct Board:** The administrative conduct board is normally chaired by a designee of the judicial officer but may be chaired by the judicial officer him/herself, and consists of three faculty or staff members of the University community. This conduct board is authorized to issue the full range of University responses. Hearing board members are selected by the judicial officer based on the needs for fairness, objectivity and balance in the resolution process. For alleged incidents of sexual assault, sexual harassment, racial harassment, and other illegal discrimination, hearing board members who have been specially trained to process such matters in a sensitive and appropriate manner are chosen. In such cases, upon agreement of both the respondent and alleged victim, two (2) members of the ACJC, one male and one female, shall become members of the Administrative Hearing Board.

³ For the purposes of this document “students” are any person or group who is or was in attendance during an academic period in which misconduct occurred or between academic periods for continuing students.

Responsible Option

A student who is alleged to have violated the standards of our community, (a respondent), may be able to avoid a formal conduct hearing by accepting responsibility for the alleged violation and authorizing the conduct officer or body to issue a response. Based on the nature and circumstances of the case, the judicial officer, in his/her sole discretion, can either serve as the conduct officer or refer the matter to another conduct officer or body (as described below) for resolution. If the responsible option is offered, the respondent is required to notify the designated conduct officer that he/she plans to pursue this path within two (2) business days of their initial meeting. Failure to do so will result in a referral to the appropriate hearing forum. In all matters, the judicial officer has full discretion to waive the Responsible Option if the nature and circumstances of the case warrant a formal conduct hearing.

Referral to Restorative Circle

In some circumstances students who have engaged in behavior that violates our campus code of conduct may be given the option of participating in a restorative circle to resolve the incident at the discretion of the assistant dean of students. *Students accused of sexual assault may not use a restorative circle to address the issue unless the circle follows a hearing on the issue.*

Restorative circles provide parties to a dispute with an opportunity to discuss the issue(s) that lead to the conflict in a safe, non-adversarial environment. Trained facilitators assist the participants in communicating about the dispute and help the participants to create an agreement regarding how to repair the harm that was caused.

Practically, a restorative circle is a gathering of individuals who are involved (directly or indirectly) in a dispute with the purpose of talking about what happened and making a plan for what they will do now. The circle typically meets twice, once to discuss the issues that lead to the conflict and once again to review the agreement that was developed during the first circle.

For more information about the Restorative Circles Process please contact the Center for Student Conflict Management at 585-275-4085.

THE UNIVERSITY AND THE PUBLIC LAW

A. The University is not a sanctuary from public law and does not promote or condone unlawful behavior. The University cooperates with law enforcement authorities in a manner consistent with its legal duties and the interests of the University community.

B. Students under prosecution for violation of public law may also be subject to University judicial proceedings, which are independent of those under public law. The University may take prompt action under its own procedures regardless of whether the public officials have disposed of the case or what disposition they make.

C. Students may be subject to the University conduct system for allegations of unlawful conduct that occurs on University property, or that occurs off campus if such off campus conduct is associated with a University activity or raises considerable concerns that the individual or group poses a threat to the safety or welfare of the University community.

RESPONSES TO MISCONDUCT

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

Common Responses

This list is by no means inclusive of all options open to conduct officers and boards in creating appropriate responses for individual offenses.

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

Other common responses may include alteration of housing selection privileges; research assignments; project, program, and presentation requirements; revocation of other University privileges (e.g., access to computer systems, dining venues, sports and recreation facilities); mandated follow-up meetings with University officials; mandated supervised study hours.

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

COMMON RESPONSES BY POLICY VIOLATION

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

Alcohol and Other Drug Offenses: Please see common responses to violations of the Alcohol & Other Drugs Policy on page 15.

Computer Misuse: Typical response ranges from up to one academic year's disciplinary probation and/or loss of computer privileges for the same amount of time (reconnection fees may apply) and/or community restitution.

Disorderly Conduct: Typical response ranges from letter of apology to expulsion from the University. Students who assault another person should expect to be suspended from the University for at least one academic year.

Failure to Comply: Typical response ranges from letter of apology to removal from residence.

Providing False, Misleading, or Incomplete Information: Typical response ranges from a letter of apology to removal from residence.

Fire Safety: Generally, responses range varies widely depending on the nature of the violation, but generally includes at least one academic year's disciplinary probation and can result in expulsion from the University. If, however, a student is found to be tampering with a fire safety device (i.e. smoke detector), that student will be placed on deferred removal from residence for the remainder of their time at the University. Any subsequent fire safety violations will result in the student being removed from his or her residence and being prohibited from entering all campus housing. If the student violates a different University policy while on this response the outcome may result in the student being immediately removed from University housing and banned from campus residential areas.

Harassment: Typical response ranges from six weeks' disciplinary probation to suspension from the University.

Hazing: Typical response ranges from up to two years' disciplinary probation and educational assignment to expulsion from the University.

Vandalism and Damage: Typical response ranges from six weeks' disciplinary probation and restitution fines to removal from residence.

Sexual Harassment and Assault: Typical response ranges for harassment is up to three years' disciplinary probation, active avoidance (restraining) order, prohibition from various areas and events, and educational assignment to expulsion from the University. Students responsible for assaulting another student should expect to be suspended from the University for at least one academic year.

Theft or Attempted Theft: Typical response ranges eight weeks' disciplinary probation and restitution fines to suspension from the University.

Trespassing/Misuse of University Property or Facilities: Typical response ranges from a letter or apology to removal from residence.

CONDUCT RECORDS

Student records, including files from conduct cases maintained by the University, are treated with appropriate confidentiality, in accordance with the University policy on student records and relevant legal standards. Academic transcripts issued during periods of suspension or expulsion will be accompanied by a letter from the registrar indicating that the student is currently suspended or expelled from the University for conduct reasons. University staff who have knowledge of action taken against a student for misconduct may on occasion be asked to respond to inquiries regarding the student's involvement. In accordance with the confidentiality of such records, the University officer may only reveal such information with the authorization of the student, except when allowed by law or when the University perceives a significant risk to the safety or well-being of that student or others. Conduct files are normally destroyed seven years after the student's last incident or separation from the University. However, certain University officials may indefinitely retain records in other appropriate circumstances.

INTERIM ACTIONS AND OTHER RESTRICTIONS

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

- **Interim Suspension--Individual:** If a student's presence on campus poses a perceived or immediate threat to his or her own or another's physical or emotional safety and well-being, the preservation of University or others' property, or safety and order on University premises, the University may impose interim restrictions up to and including immediate suspension pending a disciplinary hearing, which occurs as quickly as possible following an incident, but ordinarily within fourteen (14) business days. It is understood that in extreme cases, summary action may be imposed for a longer period of time. Summary Suspension restrictions may also be employed during any appeal process or post-hearing reviews.
- **Interim Action—Groups/Organizations:** Groups and organizations allegedly violating the Standards of Conduct or judged to be a perceived or immediate threat to the physical or emotional safety and well being of one or more individuals, the preservation of University or others' property, or safety and order on University premises, may be subject to interim responses pending judicial or other means for resolution. Actions include, but are not limited to, *Interim Social Probation* (cancellation of the privilege to hold functions/gatherings in which alcohol is present) and *Interim Disciplinary Probation* (cancellation of the privilege to hold any kind of function/gathering). Additional restrictions may be applied at the discretion of the University.
- **Active Avoidance Order:** If a student's presence on campus poses a perceived or immediate threat to a University community member's physical or emotional safety and well-being and/or sense of personal safety and security, the University can issue an Active Avoidance Order. The goal of this action is to diffuse difficult situations by imposing restrictions that require one person to actively avoid another in all situations. For more information regarding the Active Avoidance Policy please see page 12.

ADMINISTRATIVE FEE

In an effort to help offset the costs associated with administering programs and services associated with the disciplinary system, all students responsible for violating the student code of conduct will be charged a \$25.00 fee. This fee will be placed on the student's term bill.

POLICIES & PROCEDURES

ACTIVE AVOIDANCE POLICY

Introduction

In situations involving allegations of misconduct against any member of the University community, the accused individual(s) and the complainant(s) often remain members of the community until a decision has been made by the dean, department head, or Human Resources representative and after a resolution has been implemented or response imposed. In some circumstances, it is necessary for the University to invoke its Active Avoidance Policy in order to allow all parties to function within the environment.

Active Avoidance Policy

In situations in which the appropriate dean, department head, or Human Resources representative deems it necessary to invoke the Active Avoidance Policy, one or both parties are instructed to make no effort to make contact with the other party(s) by any means whatsoever. Each party is instructed to respect the need for each individual to be able to manage his or her University duties with a minimum of contact with the other(s). All individuals are also instructed to act reasonably and responsibly should incidental contact occur.

Procedures

When the Active Avoidance Policy is implemented or subsequently modified or changed, a letter is sent to the Director of University Security by the dean, department head, or Human Resources representative indicating the identity of each party. Each party receives a letter instructing each individual to make contact with University Security when a situation occurs in which one party feels threatened by another party's presence or behavior. All parties are further instructed to contact the dean, department head, or Human Resources representative if one party attempts to make contact with the other or fails to leave an area. University Security should be notified when changes to the stipulations of the agreement are implemented.

Notification

The University reserves the right to notify University Security and Residential Life staff as well as appropriate deans, department heads, supervisors, and Human Resources representatives on a need to know basis. The Director of Residential Life may notify the appropriate members of the residence hall staff, limiting the number of residential life staff notified to the minimum number of people who need to know.

Guidelines

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

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

RESPONSIBILITY FOR ADHERENCE TO THE POLICY

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

It is the accused party's primary responsibility to initiate leaving the area should both parties find themselves occupying the same space. This responsibility remains in effect unless leaving an area would constitute interference with the accused party's ability to fulfill his or her academic or work responsibilities.

The following guidelines may be used as examples of instances when contact may potentially occur and the accused would be responsible for initiating an appropriate response. This list is not exhaustive or intended to limit application of this policy to other situations not described here:

- a. In all instances that involve an inadvertent one-to-one encounter (e.g., in the parking lots, in a hallway or stairwell, walking to or from one area to another), the accused is instructed to leave the area immediately.
- b. In instances in which attendance at an event or function which involves a group of people is required by both parties (e.g., a required seminar or workshop, etc.), the accused is instructed to delay entry to that area for as long as possible. If both parties must attend the same event or function, the accused must take steps to avoid contact with the other party, such as positioning him or herself far away and not in the other party's direct line of vision.
- c. In instances in which attendance by the accused is not required (e.g., at sporting events, public events, concerts, rallies, etc.), once the accused becomes aware of the other party's presence, he or she is instructed to leave the area immediately or to delay entry until the other party has left.

VIOLATIONS OF THE ACTIVE AVOIDANCE POLICY

If either party violates the Active Avoidance Policy, the other party should contact the dean, the department head, or Human Resources representative. If it is determined that the Active Avoidance Policy has been violated by any party, further responses, up to and including removal from the University, may be invoked.

The right to appeal the imposition of the Active Avoidance Policy is the same as it would be with respect to any other form of discipline (e.g., suspension, termination, removal from housing), depending on the context in which it is imposed.

ALCOHOL AND OTHER DRUGS POLICY

Introduction

The University of Rochester Alcohol and Other Drug Policy has been adopted to help students comply with federal, state and local laws regulating the possession, consumption and service of alcoholic beverages and possession/use of illegal drugs. (See the chart at the end of this policy for a list of federal, state, and local laws regarding alcohol and other drugs). All students, student groups and organizations, and guests are required to abide by the local, state and federal laws and ordinances, as well as University regulations and conduct standards (including this policy) governing consumption of alcohol and control of illicit drugs. Those who choose to engage in the use of alcohol or other drugs in violation of the law or University policy will be held accountable for their actions and subject to the full range of institutional responses and other disciplinary measures, up to and including expulsion. Discipline for violations of this policy will be imposed pursuant to the disciplinary process explained in the *Standards of Student Conduct: A Guide to the University of Rochester Disciplinary Process and Policies* which can be found online at <http://www.rochester.edu/college/dos/conduct/>.

Campus chapters of international and national organizations may have regulations that go beyond the University's policy. The policies and procedures contained herein are the minimum requirements applicable to these organizations.

ALCOHOL AND OTHER DRUG PROHIBITIONS

The following activities are prohibited among all members (and guests) of the University community:

Alcohol

Underage Purchase, Consumption, or Possession:

- The purchase, consumption, or possession with the intent to consume by any individual under the age of 21.

Procurement/Service of Alcohol:

- The purchase of alcohol for a person who is under the age of 21 and/or apparently intoxicated.
- Serving or giving alcohol to a person who is under the age of 21 and/or apparently intoxicated.
- The serving of alcohol to individuals who are known to become intoxicated habitually.

Possession/Use of False Identification:

- The possession or use of false, fraudulent, or altered identification or the use of another's identification for the purpose of obtaining alcohol.

Open Containers (i.e., any receptacle containing alcohol, which is open in such a way as to permit direct consumption of the contents):

- Possession of an open container of alcohol anywhere on-campus, except (1) in a residence hall private living space, which includes common areas within suites, (2) in a fraternity or special interest house, and (3) in an area designated, through the event/function registration process, as a place where alcohol consumption is permitted.

Common Containers (i.e., a receptacle for dispensing multiple servings of an alcoholic beverage.):

- Possession or use of kegs, beer balls, or other common containers, except for registered events in which specific criteria have been met or for registered events managed by a licensed caterer/third party vendor.
- Specifically, "common containers" are in violation of the code of conduct when any individual container exceeds the maximum amounts below:
 - 40 ounce container of beer
 - 5 liter container of wine
 - One (1) liter container of distilled spirits

Rapid Consumption:

- Items/substances used to dispense alcohol in a rapid manner, such as beer bong, funnels, Jell-O shots, etc.
- Drinking games or contests (e.g., "Quarters," "Beirut/Beer Pong," etc.). **Please note that the presence of alcohol where the game is played is sufficient to classify the incident as a drinking game violation. Where interpretation is necessary, student(s) will be charged with the violation, and a hearing board will interpret this policy. Paraphernalia associated with drinking games, (e.g., funnels, beer pong tables, etc.), will be confiscated.**

Public Intoxication:

- Public intoxication, which is defined as alcohol-related conduct that is disorderly, inconvenient, or annoying to others or a potential risk to one's own or another's health and well-being.

Driving While Intoxicated (DWI) or Ability Impaired (DWAI):

- Driving while intoxicated or under the influence of alcohol as defined by New York State law.

Sale/Advertising of Alcohol:

- The sale of alcohol to any person at all times, except by a licensed caterer/third party vendor at a registered event.
- Invitations, posters, and other forms of advertising for specific events (including publicity via email distribution lists) may include references to alcohol, but may not be the focus of such publicity. Specifically, such publicity must include the phrase, "alcohol is only available to individuals 21 years of age and older." Shots may not be mentioned, nor may any reference to or implication of excessive consumption of alcohol or alcohol "specials" (e.g., "two-for-one night," "dollar drafts").

Other Events/Functions:

- Possession or consumption of alcohol at all membership recruitment functions and new member/intake functions, such as those for Greek organizations, clubs, athletic teams, etc.
- Possession or consumption of alcohol in athletic facilities or at athletic events.

Freshman Areas:

- Possession and use of alcohol by all persons in all freshman rooms and building common areas. Residential Life staff, Residents Advisors, Freshman Fellows, and D'Lions of legal age are permitted to possess and use alcohol in private living spaces.

Drugs*Trafficking/Distributing:*

- Trafficking, manufacturing, distributing, or possessing with the intent to distribute any illegal drug, narcotic, or controlled substance.

Use/Possession:

- The unlawful use or possession of any drug, narcotic, or controlled substance.

Paraphernalia:

- The possession of drug paraphernalia, such as bongos, pipes, or any other item or device used in conjunction with illegal drug activity.

Second Chance Program

The Second Chance program, (2nd Chance), offers students who have violated the Alcohol and Other Drugs, (AOD), policy the opportunity to complete an educational program related to alcohol or drugs. If the student completes the program successfully, the incident will not be counted as "formal disciplinary action" in the student's record.

This program is offered at the discretion of the conduct officer meeting with the student and only in the following circumstances:

- The student has accepted responsibility for committing a violation of the AOD policy.
- There were no aggravating factors during a violation.
- Aggravating factors include, but are not limited to:
 - The student's violation of another policy simultaneous with the AOD policy violation, (e.g., a student violates the damage to property policy while intoxicated).
 - The student's failure to comply with university officials during the incident.
 - The student's participation in supplying alcohol or drugs to others.
- The student has not participated in 2nd Chance before.

COMMON RESPONSES

Besides potential criminal penalties and civil liabilities, violators of this policy will be subject to the full range of institutional responses. The organizers of events/functions involving alcohol (including the sponsoring group, the social hosts, and other individual group members) will be held accountable if their event/function is not in compliance with this policy. Individuals or groups who violate the UR Alcohol and Other Drug Policy will be subject to the following University-specific consequences, based on the severity and/or frequency of violation.

Typical individual responses range from a written warning, disciplinary probation, completion of an alcohol and/or drug education program⁴, educational assignment, risk assessment conducted by a qualified substance abuse professional, suspension from University housing or the University, and/or expulsion from the University.

Typical group responses range from immediate termination of the event/function, submission of guest lists for all future formally registered events/functions, restriction of guests to only those of age or only those belonging to the specific organization, continuous on-site monitoring (at the organization's expense) of all events, mandatory Social Host training or other alcohol education program (at the organization's expense), community restitution hours, mandated third-party catering of future events involving alcohol, loss of University funding and/or recognition, and/or suspension of event/function hosting privileges.

MEDICAL ASSISTANCE

The River Campus Medical Emergency Response Team (R/C MERT) is a basic life support first response team that operates under New York State Emergency Medical Services (EMS) regulations. R/C MERT provides 24/7 emergency medical response during the academic school year to the River Campus, including care for students who need medical assistance due to the misuse of alcohol or other drugs.

If a request is made for emergency medical assistance, R/C MERT EMTs will evaluate the individual for whom the request was made based on Monroe-Livingston Regional EMS protocol and New York State Department of Health protocol for EMS. For further information regarding the protocols utilized by R/C MERT when administering medical aid please reference the Monroe Livingston Regional EMS protocols document located online at http://www.mlrems.org/e107_files/downloads/2010_protocol.pdf.

Requests for emergency medical services can be made by dialing x13 on the River Campus, the Medical Center, and Eastman School of Music. Because R/C MERT does not respond off-campus, for off-campus or Riverview residences emergencies, 911 must be dialed for an emergency response by the local EMS organization.

INCLUDING PARENTS IN CONVERSATIONS ABOUT ALCOHOL AND OTHER DRUGS

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

The University may notify parents/guardians of students, under the age of 21, who have been found in violation of the Alcohol and Other Drugs Policy. Notification of parents/guardians will occur when, in the opinion of the Dean of Students or his/ her designee, a violation is significant enough to indicate a greater level of care may be necessary to support the student.

It is our general practice to encourage a student to contact his or her parent(s) or legal guardian(s) prior to the University's notification, however, there may be circumstances when contact will be initiated more rapidly.

⁴ Any costs associated with such programs are the responsibility of the student.

FEDERAL, STATE & LOCAL LAWS REGARDING ALCOHOL & OTHER DRUGS

The following federal, state, and local laws regarding alcohol and other drug use apply to all members of the University community and their guests:

LAW	DESCRIPTION	PENALTIES
Minimum Drinking Age Law	It is illegal for individuals under the age of 21 to purchase or possess alcoholic beverages with the intent to consume such beverages.	Fine not exceeding fifty dollars, completion of an alcohol awareness program, and up to thirty hours of community service.
Procurement of Alcohol & Serving of Alcohol for Underage Persons	Procuring alcohol for a person under 21 through misrepresenting his/her age is prohibited. The serving of alcohol to individuals actually or apparently under the age of 21, to intoxicated individuals, or to individuals who are known to habitually become intoxicated is prohibited.	A fine of not more than two hundred dollars and/or up to five days imprisonment. Penalties include suspension of liquor sales license and/or a \$1000 fine.
False Identification Laws	The purchase or attempt to purchase alcohol with the use of false or fraudulent documentation (such as a false identification card or a driver’s license belonging to another) by persons under 21 years of age is prohibited.	Fines of not more than \$100, community service, and completion of an alcohol awareness program.
Open Container/Public Consumption Law	The possession/consumption of an open container of alcohol—i.e., any carton, cup, glass or receptacle which is uncapped, uncorked, unscrewed, unsealed or otherwise open in such a way as to permit direct consumption of the contents—in a public space is prohibited.	\$250 fine for first-time violations.
Driving While Intoxicated (DWI)	A BAC (blood alcohol concentration) of .08 or higher, or other evidence of intoxication.	Fines of up to \$1000, driving license revoked for at least six months, and up to one year jail time.
Driving While Ability Impaired (DWAI)	A BAC of more than .05 but less than .08 BAC, or other evidence of impairment.	Fine of \$500, revocation of license for 90 days, and up to 15 days of jail time.
Zero Tolerance Law	Drivers under the age of 21 who are found to be driving with any alcohol in their system (.02 to .07 BAC) may be charged.	Fine of \$225 and a six-month license suspension.
Illegal Use, Possession, & Distribution of Drugs Law	Federal and New York State laws provide legal sanctions and penalties for the unlawful possession or distribution of controlled substances. The severity of the penalty depends on the nature of the criminal act and the identity and amount of the illicit drug involved.	Possession of as little as 25g of marijuana can result in a maximum of three months in jail or a \$500 fine. Possession of as little as 1 mg of LSD can result in up to 15 years in prison.
General Obligations Law	A person who serves alcohol to or assists in procuring it for a person under 21, or who sells it to or assists in procuring it for an intoxicated person of any age, may face civil liability to someone injured by that person’s intoxication. Likewise, anyone who sells a controlled substance to another or assists in procuring it for them may be liable for injuries to others caused by that person’s resulting impairment.	

EVENT/FUNCTION REGISTRATION

All on or off-campus events/functions that involve alcohol and meet one of the three criteria below must be registered with the Office of the Dean of Students. *Events without alcohol also must be registered. You must meet with your staff adviser, (staff in Wilson Commons Student Activities, Fraternity & Sorority Affairs, The Chapel, or Residential Life) to begin the event registration process.

Criteria triggering event registration:

- More than 75⁵ people are expected to be present at any one time, *OR*
- Use of a common container of alcohol or distilled spirits by a licensed third party vendor is being requested. (Use of common containers or distilled spirits, other than that by a licensed third party vendor, is prohibited at all events/functions.), *OR*
- The event is organized by University of Rochester students and is advertised or promoted to University of Rochester students in any manner, including advertisement and/or promotion through online social networks.

Registering an On-campus Event

To register an on-campus event with alcohol the interested student(s)/organization(s) meet with either their staff adviser, (staff in Wilson Commons Student Activities, Fraternity & Sorority Affairs, The Chapel, or Residential Life), to fill out an Event Registration Form. This form must be submitted at least 10 business days (18 business days for larger events) before the anticipated event.

In addition to basic information about the event (date, time, location, sponsoring organization, etc.), the event registration form requires the registrant to demonstrate that:

- a manager for the event has been designated
- a sufficient quantity of non-alcoholic beverages and food will be served
- a sufficient number of trained social hosts will be present

The registrant will also be required to sign an “Event Responsibility Agreement” form indicating that the student/organization understands the policies related to hosting an event and will comply with those policies.

All approved Event Registration Forms will indicate the total number of alcoholic beverages that will be permitted at the event. The number of alcoholic beverages present at the location of the event cannot exceed the total number of beverages approved during the event registration process. If quantities of alcohol in excess of this total number are discovered at the location of the event immediately prior to or during the event the excessive alcohol will be confiscated and the event may be canceled. The University reserves the right to, and may, conduct random checks of any event or function to determine compliance with this policy.

Registering an Off-campus Event

Student groups wishing to register off-campus events which meet one or more of the three criteria listed above must meet with the organization’s staff adviser to fill out an Event Notification Form. If the event involves arranging for transportation between the University and an off-campus location you must register the event according to the Off-campus Events-Bar Bus Policy listed below.

BAR BUS POLICY

All events that require transportation to a location off campus such as a bar or nightclub need to follow the guidelines outlined below. Please note that Bar Night host organizations are responsible for the actions of all guests and will be held accountable for any and all policy violations that happen on or off-campus.

Unrestricted Bar Nights

Unrestricted bar nights are defined as events that meet the following two criteria: (1) are open to the general campus population and (2) provide bus or shuttle (i.e., group) transportation to venues whose primary purpose is the provision of alcohol (e.g., bars, pubs, nightclubs).

Submitting Requests for an Unrestricted Bar Night:

1. Requests for a bar night must be submitted to the Office of the Dean of Students at least two (2) weeks prior to the event using the Bar Night Request Form: *Unrestricted Event*.
2. After the event takes place, a Group Evaluation Form must be completed for a group to preserve the ability to host bar nights in the future.
3. The Bar Night Review Committee⁶ will approve no more than one unrestricted bar night event per evening.
4. The University, through its designees, reserves the right to cancel the event or restrict an invited guest from leaving the University premises if, in their opinion, a significant health or safety issue exists.

⁵ Students must adhere to occupancy standards set by the Fire Marshal at all times. If the occupancy limit for the location of the event is exceeded at any time, the event will be shut down regardless of whether it complies with other criteria outlined in this policy.

⁶ Bar Night Review Committee: The Bar Night Review Committee will be appointed by the dean of students and will be composed of staff members from Security, Wilson Commons Student Activities, and Fraternity and Sorority Affairs, as well as student representatives. The committee will be chaired by either the associate or the assistant dean of students.

Transportation Requirements

1. The sponsoring organization must verify attendees' ages by at least two forms of identification (UR student ID and a governmental picture ID) prior to boarding the buses departing for the venue.
2. A ticketing system shall be utilized unless another alternative crowd control method is approved by the Bar Night Review Committee. Tickets will be used to control: (1) access to the buses by only those eligible to attend the event and (2) traffic flow to the buses to prevent rushing to the buses by a crowd that could exceed the bus occupancy.
3. Monroe school buses are preferable to First Transit buses.

Age Requirements

1. Bus or shuttle transportation will be provided for unrestricted bar nights only if all students being transported are 21 years of age or older.
2. Any recognized group on-campus may implement an unrestricted bar night provided the group has a reasonable number of students 21 years of age or older.
3. What is reasonable shall be at the discretion of the Bar Night Review Committee, which shall review and approve or disapprove all requests for bar nights.
4. A group with a substantial number of underage students can plan a bar night; however, the group's underage members would not be allowed to attend the actual event.

Security Requirements

1. The sponsoring organization must provide, at its expense, ample Security presence during the event. This will usually entail one officer stationed at the pick-up location for the duration of the event.
2. If additional security officers are needed for the event, the sponsoring organization will bear the expense.
3. The sponsoring organization must designate event managers whose responsibilities include (a) checking UR ID and government-issued IDs, (b) giving tickets for the event, and (c) remaining at IT to ensure the boarding of buses runs smoothly.

Restricted Bar Nights

Restricted bar nights are defined as events which: (1) are at a location that is closed to the general public, (2) have a pre-determined guest list that has been created by the planning organization, (3) have fewer than 300 attendees, and (4) provide bus or shuttle (i.e., group) transportation to venues whose primary purpose is the provision of alcohol (e.g., bars, pubs, nightclubs).

Submitting Requests for a Restricted Bar Night

1. Requests for a bar night must be submitted to the Office of the Dean of Students at least two (2) weeks prior to the event using the Bar Night Request Form: *Restricted Event*.
2. After the event takes place, a Group Evaluation Form must be completed for a group to preserve the ability to host bar nights in the future.
3. The University, through its designees, reserves the right to cancel the event or restrict an invited guest from leaving the premises if, in their opinion, a significant health or safety issue exists.

Transportation Requirements

1. The sponsoring organization will only allow individuals to board the buses who have a UR student ID and whose names are on the pre-determined guest list.
2. Monroe school buses are preferable to First Transit buses.
3. A ticketing system is recommended as a crowd control method for boarding the buses. Tickets can be used to control: (1) access to the buses by only those eligible to attend the event, and (2) traffic flow to the buses to prevent rushing to the buses by a crowd that could exceed the bus occupancy.

Age Requirements

1. Any recognized group on-campus may implement a restricted bar night provided the group has a reasonable number of students 21 years of age or older.
2. What is reasonable shall be at the discretion of the Bar Night Review Committee, which shall review and approve or disapprove all requests for bar nights.

Security Requirements

1. The sponsoring organization may be asked to provide, at its expense, ample Security presence during the event. This will usually entail one officer stationed at the pick-up location for the duration of the event. The need for security will depend on the size and scope of the event and will be determined by the Bar Night Review Committee.
2. If additional security officers are needed for the event, the sponsoring organization will bear the expense.
3. The sponsoring organization must designate at least two event managers whose responsibilities include (a) checking UR ID and government-issued IDs, (b) managing the boarding of the buses, and (c) remaining at IT to ensure the boarding of buses runs smoothly.

RESOURCES FOR EDUCATION, COUNSELING & TREATMENT

Alcohol poisoning is a life-threatening situation and prompt medical care should be the first priority for anyone found to be severely intoxicated. All members of the University community are urged to provide the necessary assistance in such emergencies. The University of Rochester offers a variety of alcohol and other drug-related resources and support services for students, faculty and staff, including:

Office of the Dean of Students: Policy administration, adjudication & resolution of violations, resources for alcohol and other drug related concerns, event registration

River Campus: 585-275-4085

Eastman School of Music: 585-274-1200

University Health Service: Primary care visits with physicians, nurse practitioners, and registered nurses for any health concern

Medical Center Office: 585-275-2662

River Campus Office: 585-275-2161

Eastman School Office: 585-274-1230

Health Promotion Unit: 585-273-5775 (Educational workshops/information and Social Host Training)

University Counseling Center: 585-275-3113

Individual, couples, and group counseling

Security: Assistance with emergencies and non-emergencies

Emergency Response: x13

Medical Emergency Response Team (MERT): x13

Non-emergencies: 585-275-3333

Wilson Commons Student Activities: 585-275-9390

Residential Life: 585-275-3166

ATHLETICS CODE OF CONDUCT STATEMENT

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

COMPLICITY

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

DOG POLICY

For safety and health reasons, the presence of dogs on University of Rochester property is strictly prohibited. Specifically,

- Dogs will not be allowed on the River and Eastman campuses. This includes residence halls, fraternity houses or any campus-owned or controlled building.
- Exceptions will be allowed for the following reasons only: 1) the dog is a service dog individually trained to provide assistance to an individual with a disability or 2) special permission is obtained from the Office of the Dean of Students. Students who wish to have service dogs on campus regularly must provide documentation of their need.

The above conditions apply to all members of the University community, guests and visitors. Failure to comply with these guidelines will result in immediate removal of the pet and possible disciplinary or other action against the pet owner.

EASTMAN SCHOOL OF MUSIC STATEMENT

Policy violations involving Eastman School of Music students are processed by the Eastman School of Music Office of Student Life. To obtain Eastman School of Music policies, please contact the Eastman School of Music Office of Student Life at (585) 274-1106 or www.esm.rochester.edu/studentlife.

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

FIRE SAFETY POLICIES

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

Non-Approved Items

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

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

Non-Approved Appliances

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

- George Foreman grills or similar cooking appliances
- Toasters, portable or toaster ovens, etc. (except in designated cooking areas)

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

FRATERNITY AND SORORITY LIFE STATEMENT

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

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

GROUP RESPONSIBILITY POLICY

A student organization may be held accountable for a violation of University policy committed by an individual, whether or not the individual is a member of the organized group, if the group, or a substantial segment of it, authorizes, directs, or encourages the violation, or with reckless indifference does not make reasonable use of the group's own influence and authority to prevent it. Violations occurring within a group's living space, during or because of a group's function, or utilizing a group's resources are all indications of risk for that group. As with any responsible organization, groups are expected to actively prevent violations if there is sufficient reason to believe they are about to be committed, to intervene in violations when they become aware of them, and to react responsibly to violations when the group has become aware of the fact that they have occurred. Additionally, failure to provide truthful and complete information about misconduct—including both violations of law and policy—can result in charges against the group itself for such violations.

HAZING POLICY

Compliance is expected by all groups and individuals at the University of Rochester. The University of Rochester defines hazing as follows:

Any action taken or situation created, whether on or off University premises, which has the potential to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include, but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts/scavenger hunts (without the expressed and prior approval of the appropriate director or dean), road trips or any other such activities carried on outside or inside the confines of any living unit (without the expressed and prior approval of the appropriate director or dean); wearing public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with fraternal law, ritual, or policy, or the regulations and policies of the educational institution.

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

HARASSMENT AND DISCRIMINATION

The University's Policy against Discrimination and Harassment, which includes sexual harassment and assault, can be found at the following link: <http://www.rochester.edu/working/hr/policies/pdfpolicies/106.pdf>.

If you are concerned that you may have been subjected to harassment or discrimination and would like information about your options for addressing the issue, you can contact Kathy Sweetland, Title IX Coordinator and University Intercessor, at 585-275-9125 or ksweet@admin.rochester.edu. Kathy Sweetland can provide assistance in all matters related to discrimination, harassment and sexual assault, including information about support services. You can also contact the Center for Student Conflict Management by calling 585-275-4085 or e-mailing conflict.management@rochester.edu.

If you or someone you know may have been sexually assaulted, you can access more information about sexual assault at the following link: <http://www.rochester.edu/uhs/sa/>.

INVOLUNTARY LEAVES OF ABSENCE (WITHDRAWAL)

The University of Rochester provides a wide range of services to support and address the mental and physical health needs of students including assessment, short-term care as appropriate, and referrals. Our first concern is for the health and welfare of each individual in our community. Our goal is to enable all of our students to participate fully as members of Rochester's academic community. However, students with psychiatric, psychological, or other medical conditions who pose a threat to themselves or others, or who disrupt the educational activities of the University community, may be required to take a leave of absence from the University. Under these circumstances, students will be given the opportunity to take a voluntary leave. However, if a student declines to take a voluntary leave, the University may determine that the student's health and welfare, or the needs of the community, require a period of involuntary leave. The following policy establishes the protocol under which an involuntary leave of absence may occur and the process for return from such a leave.

Guidelines

The University may place a student on an involuntary leave of absence or require conditions for continued attendance under the following circumstances when the student exhibits behavior associated with a psychological, psychiatric, or other medical condition that:

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

Withdrawal Process

When a student exhibits any of the behaviors described above, the matter may be brought to the attention of the Office of the Dean of Students. The Dean of Students (or designee) may place a student on an involuntary leave of absence or impose conditions upon the student's continued attendance. The Dean of Students (or designee) will seek an immediate assessment of the student's psychological, psychiatric or other medical condition from The University Counseling Center (UCC), University Health Services (UHS), or from other appropriate professionals regarding the student's circumstances.

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

The Dean of Students (or designee) will conclude the review of available information with a decision that may include the following:

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

If the Dean of Students' (or designee's) decision is to require an involuntary leave of absence, the decision will also indicate the length of the leave and describe the conditions (if any) under which the student may seek to return from leave. The student will then be withdrawn by the Dean of the College. Further information about the withdrawal process, tuition refund implications of the withdrawal (if any), and applications for readmission are available from the College Center for Academic Support at (585) 275-2354.

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

PROCESS FOR RETURN FROM LEAVE

A student seeking a return from leave must meet the conditions specified by the Dean of Students (or designee). The student must apply in writing to the Dean of Students. It is the responsibility of the Dean of Students to review the student's compliance with specified conditions for the return from leave and to advise other University offices accordingly. Appropriate administrative duties with respect to commencing this leave process and maintaining its records will be the responsibility of the Office of the Dean of Students.

CONFIDENTIALITY

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

NON-MOTORIZED TRANSPORTATION POLICY

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

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

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

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

PARKING POLICIES

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

RESIDENTIAL LIFE POLICIES

Please review all Residential Life policies by visiting: <http://rochester.edu/studentlife/housing/index.html>.

SEXUAL ASSAULT

What is Sexual Assault?

Sexual assault refers to sexual contact without consent. Forms of sexual assault include rape, sexual abuse, attempted rape, and unwanted sexual touch. Sexual assault may, but need not, refer to sexual penetration, which includes vaginal intercourse, oral sex, or anal penetration. Sexual assault also includes conduct that involves any unwanted touching or fondling of the genitals or breasts of the victim. Date or acquaintance rape is sexual assault.

The University works to ensure that consistent supportive care of rape and sexual assault victims is provided. Depending on the needs and the wishes of the survivor of the incident, a variety of on-campus supportive services can be put into place. If a survivor would prefer to work with off-campus agencies, assistance will be provided to make those contacts.

In all cases the safety and well-being of the survivor will determine what action will be taken. Survivors who have been physically injured can be referred to Strong Memorial Hospital Emergency Department or to the University Health Service depending on the severity of the injury. A Security escort can be provided for those who need such assistance.

Whenever a survivor wishes to report an incident to University Security, an investigator will be notified. If an individual has not yet made a decision to file a report with Security, but has concern about potential danger to themselves or to others, that person can be assisted in completing an anonymous proxy report that will allow University Security to be aware of some of the details of an incident without revealing the identity of the survivor. This practice allows University Security to protect the survivor and the rest of the campus community while allowing the survivor to determine whether and when she/he wishes to file a formal complaint.

If You Have Been Sexually Assaulted

First: Attend to your safety, medical and emotional needs. Please contact:

- Rape Crisis Service at 546-2777
- University Security at 275-3333
- Rochester Police Department or the Monroe County Sheriff's Office at 911
- University Counseling Center at 275-3113, or
- Go to the Emergency Room of any local hospital (University Security can provide a ride)

Second: Report the incident by contacting:

- Rochester Police Department or the Monroe County Sheriff's Office at 911
 - The Office of the Dean of Students at 275-4085
 - Rape Crisis Service at 546-2777
 - University Intercessor at 275-9125
 - University Security at 275-3333
- University Security will create a report and notify the Office of the Dean of Students

If the incident is reported to University Security, the Office of the Dean of Students will:

- Contact you to schedule an appointment.
 - During this appointment they will discuss
 - if a possible violation of the Standards of Student Conduct has occurred.
 - whether additional safety measures may be taken, such as issuing a temporary Active Avoidance Order, locating alternative housing arrangements, or removing the alleged perpetrator from campus pending the outcome of the conduct process.
 - whether or not an administrative hearing is required.
- Ask you to schedule a time to speak with the University Intercessor to talk about your options and to insure that you are connected with the appropriate campus and community resources.
- Contact the alleged perpetrator to inform the student of the report and to determine whether a Responsible Plea option is appropriate.

Student conduct process:

Please refer to page 3 for information regarding the student conduct process.

Incident involving a non-student:

The University will help and support you if the perpetrator is a non-student. Please follow the first and second steps of this document in regards to taking care of your needs and reporting the incident. The Office of the Dean of Students (275-4085) or University Intercessor at (275-9125) can help-please call us.

If you have questions about reporting sexual assault or the conduct process, please contact: Office of the Dean of Students at 275-4085 or University Intercessor at 275-9125.

STUDY ABROAD CODE OF CONDUCT STATEMENT

Students should be aware that an expanded code of conduct exists for those participating in study abroad programs. Please review all policies by visiting: <http://www.rochester.edu/college/abroad/predeparture/safety.html>.

UNIVERSITY SMOKING POLICY

Smoking is not permitted in the interior of any area of any University building, including all residence halls. Smoking is prohibited within 30 feet of any University of Rochester building.

INFORMATION TECHNOLOGY POLICIES

Purpose

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

Section I - Introduction

I. General Principles

A. Academic Freedom.

Academic freedom is a fundamental University value. This Policy will be administered in a manner that supports the principle of academic freedom.

B. Supportive Academic Environment.

The University of Rochester seeks to provide a supportive working, living, learning and clinical environment. To accomplish this, we actively look for ways to encourage exchange and discourse, to bring together faculty, students, and staff, and to build a community that encourages all of its members to succeed and grow.

C. Accountability for University Resources.

All members of the University community have responsibility to protect University resources for which they have access or custodianship. Members of the University community are accountable for their access to and use of University resources.

D. Personal Use and Privacy.

The University recognizes that students, faculty and staff have reasonable expectations of privacy in their uses of Information Technology Resources. However, rights to privacy are constrained in the University environment because (1) the University owns and supplies these Information Technology Resources to its faculty, staff and students fundamentally for the purpose of accomplishing its academic and patient care missions, (2) the Information Technology Resources contains many closely shared environments and resources and the rights of other users must be taken into account and (3) legal and ethical restrictions apply. Individuals may have access to unconstrained use through private or commercial systems located at their residence or elsewhere. Resources or systems owned and maintained by the University for the benefit of the academic community are primarily intended for use for the University, not personal or business communications.

E. Relationship to Division or Departmental IT Policies.

Divisions and Departments within the University may adopt additional information technology policies that are specific to their operations, provided that such requirements are consistent with this Policy and the unit provides a copy of more specific unit policies to the University Chief Information Officer. In the event of inconsistency, the provisions of this Policy will prevail, unless the more specific policies are necessary to meet legal requirements governing certain types of information, in which case the more specific legal requirements and related policy will take precedence.

II. Scope

A. People to Whom Policy Applies.

This Policy applies to everyone who accesses University Information Technology Resources, whether affiliated with the University or not, whether on campus or from remote locations, including but not limited to students, faculty, staff, contractors, consultants, temporary employees, guests, and volunteers. By accessing University Information Technology Resources, the user agrees to comply with this Policy.

B. Definition of Information Technology Resources.

Information Technology Resources for purposes of this Policy include, but are not limited to, University-owned transmission lines, networks, wireless networks, servers, exchanges, internet connections, terminals, applications, and personal computers. Information Technology Resources include those owned by the University and those used by the University under license or contract, including but not limited to information recorded on all types of electronic media, computer hardware and software, paper, computer networks, and telephone systems. Information Technology Resources also includes, but is not limited to, personal computers, servers, wireless networks and other devices not owned by the University but intentionally connected to the University-owned Information Technology Resources (other than temporary legitimate access via the world wide web access) while so connected.

Section II – Privacy

I. Access Restrictions for Personal Communications

The University will not, without user permission, monitor, review or otherwise access Personal Communications (defined below) sent or received (e.g., email), created or stored on Information Technology Resources, except pursuant to the Access Procedures set forth in Section II, which permits access when determined reasonable by a senior administrative officer or for Information Technology

Management. The reasons for which access to Personal Communications can be granted include, but not are limited to, the following circumstances:

- To investigate or prevent a violation of law or University Policy;
- To protect health or safety or to provide assurance to the University or to health or other regulators or law enforcement authorities that harm has not occurred to patients, students or others;
- To minimize or stop computer activity that interferes with the University's network or other computer operations;
- To comply with a subpoena, warrant, court order or similar legal process, including a discovery request or a litigation stay order issued by or investigation undertaken by the Office of Counsel in connection with a potential claim in anticipation of litigation; OR
- When the user is unwilling, unable or unavailable to consent, to access Personal Communications needed by another University employee in order to fulfill a teaching, research, patient care or other legitimate University function.

The access restrictions and approval process of this Policy do not apply to electronic communications and records supporting University Communications when accessed by authorized individuals for the purpose of carrying out University Business. The approval process described below applies only if access is sought to Personal Communications.

“Personal Communications” are limited to faculty and student research, teaching, learning or personal (i.e. non-University related) emails, documents and correspondence. All other emails, documents, and correspondence prepared by a faculty member, student or employee in connection with his or her job responsibilities are defined as “University Communications” and may be accessed as needed for the purpose of carrying out University Business without seeking prior approval.

“University Business” refers to the University's activities and functions, including, but not limited to, administrative functions in the areas of teaching, student life, patient care and research, as well as supportive administrative services. It includes all information related to patient care, although this information is subject to HIPAA and other patient privacy restraints.

II. Access Procedures

A. University Communications

University Communications may be accessed for the purpose of carrying out University Business by individuals with authority to deal with communications related to their subject matter without prior permission from a University official. The purpose of the access is critical to the determination that prior permission from a University official is not necessary for access.

It is understood in the environment of Information Technology Resources that there may not always be a physical separation of electronic records between University Business and Personal Communications. If material is found during a legitimate search for University Communications that indicates a potential violation in Personal Communications of University policy, including this Policy, or illegal use, the individual(s) involved in the search should halt the search, secure the relevant Information Technology Resources and seek permission to access the Personal Communications under the procedure set forth under section B. Users are reminded of the General Principle in Section I that resources and systems owned and maintained by the University are intended for use for the University and not for personal or business communications. Individuals who want unconstrained use and privacy should use private or commercial systems located at their residence or elsewhere, not University IT Resources. Individuals using University IT Resources should recognize that complete privacy is not assured and should refrain from creating or keeping on University IT Resources communications that they wish to keep private.

B. Personal Communications

Anyone seeking access to Personal Communications (see definition in section I) without user consent must first present to a senior University official (President, Provost, Vice President of the University or Medical Center, Dean, CEO of Strong Memorial Hospital, Director of LLE or Director of MAG, and Vice Provost and Chief Information Officer, the “Official”) reasonable cause for gaining such access. (See section I for examples of reasonable cause). If the initiator of the request is a senior University Official, the request must be approved by another senior University Official. If the initiator of the request is the University President, the request must be approved by the Vice President and General Counsel. An individual cannot initiate a request for access and also be part of the decision-making process. Permission should generally be sought from the official in charge of the school or division relevant to the search if that official is available.

In requesting access to Personal Communications without user consent, the person seeking access should provide to the Official relevant information available to support the reasonable cause. The request regarding access should be in writing (email is preferable) to the Official with a copy sent to the Vice President and General Counsel. The decision of the Official must be in writing (email is preferable) directed to the person requesting access with a copy to the Vice President and General Counsel and, if access is granted, a copy to the Information Technology team member who will oversee access. The Office of Counsel will retain a record of access requests and decisions for three years. The Official may also consult with the General Counsel, as needed.

If access is granted, the Official should designate a Director-level member of the University Information Technology Service or relevant other Information Technology unit, as appropriate, to conduct the access and review or to directly supervise the review and access if carried out by a technician with the appropriate skills. To the greatest extent practicable, the ITS staff should access or review only communications or data necessary to meet the purpose underlying the request. If other information is gathered by necessity or accident, it should be returned to the user or securely discarded at the end of the investigation. The ITS reviewer should communicate his or her findings from the access or review to the individual whose request for access or granted or to such other person(s) as the Official designated.

Generally, the user will be notified that access has been granted. In some circumstances, however, notice will not be given, such as in those cases when notice would compromise the reviewer's ability to achieve the underlying reason for the request, when a court or law enforcement agency directs the University not to give notice, when notice is impracticable under the circumstances or when the review is not directed at a particular user. The officer who grants access must decide in each case whether notice to the user is appropriate.

Some University employees, to perform their assigned duties, must have special privileges to access hardware and software, including specific files. Such employees are expected to abide strictly by this Policy, and are subject to discipline, including termination, for violating it.

In emergency situations in order to prevent destruction of equipment or data, it may be necessary for the University to seize or otherwise secure computers or other information technology pending initiation under this Policy concerning access to the information contained therein. The University reserves this right with respect to information technology governed by this Policy.

C. Information Technology Management and Audit

The University may use mechanisms to manage the information technology operations, including (but not limited to) spam and virus detection and elimination; limitation of network volume or blockage of access to specify file types or sites; or restriction of access to sites that present a security risk to the University's systems or experience high volumes of network traffic unrelated to the academic missions of the University. Use of such mechanisms must be approved by Director level University Information Technology (University IT) staff or any other person designated by the Chief Information Officer and must be consistent with legitimate University business needs. It may be necessary for the Office of University Audit or the University's outside auditors in the course of an audit to access Information Technology Resources and information stored thereon. Audits are authorized by the Board of Trustees or by a senior University officer and are governed by protocols that protect unnecessary disclosure of information.

Section III - Data Classification and Access Restrictions

Access to information owned by the University is generally broadly consistent with the concept of academic freedom and the open nature of the institution. However, there are types of information where access must be restricted and caution in handling and storing the information is necessary.

This policy is not intended to replace or supersede the specific policies identified below, and any conflicts will be controlled by the specific policies and not this one.

I. Legally Restricted Information:

The disclosure and use of the following types of information is restricted by law. See the specific policies referenced for a more specific definition of each type of information and of the rules and procedures concerning its use –

A. Social Security Numbers (SSN)

<http://www.rochester.edu/it/policy/SSN-PII/>

B. Patient Protected Health Information (HIPAA)

<https://intranet-secure.urmc.rochester.edu/policy/HIPAA/PolicyManual.asp>

C. Student Information (FERPA)¹

<http://www.rochester.edu/registrar/policies.html>

D. Financial Account, Credit and Debit Card Information

<http://www.rochester.edu/adminfinance/treasury/nocard.html>

<http://www.rochester.edu/adminfinance/treasury/docs/ecommerce.pdf>

E. Employee Personnel Records

<http://www.rochester.edu/working/hr/policies/pdfpolicies/108.pdf>

<http://www.rochester.edu/working/hr/policies/pdfpolicies/404.pdf>

Access and Use: Legally Restricted Information must be stored, used and disclosed to others only on a need to know basis to permit the individual faculty or staff member to perform their University functions for which the information was acquired and for which it is maintained. Access to legally restricted information must be carefully safe-guarded. Protection of Legally Restricted Information from disclosure to or unauthorized access by anyone who does not have a legitimate need to access the information to comply with requirements of the law or to carry on necessary University functions is a primary responsibility of the Custodian. Alternatives to using Legally Restricted Information should be identified and used whenever possible.

Disclosure of Legally Restricted Information to a third party agent or vendor is permitted only if the agent or vendor assumes a legally binding obligation to safe-guard the use and disclosure of the information. Contact the Office of Counsel for appropriate contractual language.

Storage and Protection: Legally Restricted Information in paper form must be stored in locked or otherwise secured areas when not in active use. Legally Restricted Information in electronic form must be stored in secure designated data centers or, if authorized to be stored elsewhere, only in encrypted (or similarly protected) form. It must not be stored on desktop, laptop or other portable devices or media without encryption or similar protection. Contact Information Technology (University IT or ISD) or a Privacy Officer for advice and assistance.

Transmission: Reports and communications should not include Legally Restricted Information unless essential to perform the function for which the communication is made. Transmission of Legally Restricted Data must be by secure methods. If Legally Restricted Data is transmitted by e-mail or other electronic transmission, it must be encrypted or otherwise adequately protected. Contact Information Technology (University IT or ISD) or a Privacy Officer for advice and assistance.

Destruction: When a record containing Legally Restricted Information is no longer needed, it must be disposed of in a manner that makes the Legally Restricted Data no longer readable or recoverable. Destruction of paper records containing Legally Restricted Data normally should be accomplished by shredding. Destruction of electronic records containing Legally Restricted Data begins with deleting the data from its storage location. Contact Information Technology (University IT or ISD) or a Privacy Officer for additional advice and assistance.

Specific Rules for FERPA: Student information is governed by FERPA and the University policies implementing FERPA. Because of the extensive educational activities of the University, many people within the University community have a legitimate need to access and transmit student records. The confidentiality of student records must be safe guarded, but the strict rules for storage and destruction of Legally Restricted Information set forth in this Policy are not always appropriate for student records. See the specific University policies on FERPA referenced above or contact the Registrar for more specific guidance.

Reporting Unauthorized Disclosure of Legally Restricted Information: Prompt reporting of unauthorized disclosure of Legally Restricted Information is essential for the University to meet its obligations under law, regulation, and contract. The University will not take disciplinary action against any person solely because of his or her good faith reporting of a disclosure. Individuals who report violations of this Policy will be protected from retaliation resulting from providing information. Individuals who report violations of this Policy to the Hotline can remain anonymous.

Immediately report any suspected unauthorized disclosure of or access to an SSN or material containing SSNs to any of the following:

	University	Medical Center
Privacy Officers	585-273-1804	585-275-7059
Information Technology Security	585-273-1804	585-784-6115
Office of Counsel	585-273-5824	585-758-7619
Compliance Hotline	585-756-8888	585-756-8888

II. Confidential Information:

Information can be sensitive or proprietary and the University users may have reasons to treat it as confidential. Confidential Information includes many of the communications or records of the Board of Trustees and senior administrators. It includes faculty research or writing before publication or during the intellectual property protection process. It includes information that the University has agreed to hold confidential under a contract with another party. There are other examples.

Restriction of Information as Confidential: If a faculty or staff member is responsible for information that is sensitive, proprietary or otherwise in need of confidential treatment, the individual should clearly label the information “Confidential”. The word Confidential should be placed prominently on the information in a form appropriate to the medium in which it exists with an understanding that the purpose of the label should be to warn others clearly that this information is Confidential and should be treated accordingly.

Storage, Transmission, Access and Destruction: The rules set forth in the section dealing with Legally Restricted Information should be applied to all Confidential Information.

III. Internal University Use Only Information:

Much information necessary for people to perform their work at the University is properly available to others at the University, but is not appropriate to be known by the general public. Information for Internal University Use Only is protected behind electronic firewalls or in private paper files in secured offices and is not accessible by the public at large. This is appropriate and will continue. Common sense and good practice dictate that this information remains accessible on a need to know basis by employees and sometimes by students, but not accessible by the media or outsiders. Examples are: budgets, strategic or unit business plans, proposals, contracts, many policies and procedures, correspondence, grant related documents, financial records, etc.

IV. Public Information:

Public information is information that is available to all members of the University community and may be made available to the general public. The University reserves the right to control the content and format of Public information. Examples include the University’s audited financial statements, schedule of classes, approved census facts and the information on the public University website.

Section IV - Use

I. *Responsibilities of Users*

A. **Responsible, Efficient Use Related to University Purposes:**

Access to University resources is a privilege granted to members of the University community that carries with it the responsibility to use resources for University related activities, responsibly and efficiently. The responsibilities and limitations that are inherent in academic culture and ethics, or are required by law or University policy, apply in the context of technology just as they apply in other contexts in the University.

Any personal use of University Information Technology Resources, as opposed to use to further the University's business and academic, research, patient care missions, should be incidental, intermittent and minor; should not interfere with the mission of the University; and should be consistent with applicable law and University Policy. Legitimate use of a computer, computer system or network does not extend to whatever is technically possible. Users must abide by all applicable restrictions, whether or not built into the operating system or network and whether or not they can be circumvented by technical means.

University Policies that govern personal conduct and use of University facilities apply to the use of all University resources, including information technology, in addition to the specific rules related to information technology contained in this Policy.

For students living in the dormitories with ResNet as their sole Internet Service Provider alternative, reasonable personal use is permitted subject to the rest of the provisions of this Policy.

B. **Integrity of Information Technology Resources:**

Members of the University of Rochester community should respect the integrity of Information Technology Resources. The following restrictions apply to all users except as authorized for Information Technology Resources staff in order to allow them to provide operations support.

(1) Unauthorized Modification and Destructive Programs: Except for programs and files that users create, modify and maintain in the normal course of business, users may not attempt to modify without proper authorization University Information Technology Resources, documents or work products of others or attempt to crash or interfere with information technology operations. Users may not tamper with any software protections or restrictions placed on Information Technology Resources.

(2) Authorized use: Users may use only their own computer accounts and use them only in the manner and to the extent authorized. Users may not supply false or misleading data nor use another's password in order to gain access to Information Technology Resources. Users may not subvert or attempt to subvert the restrictions associated with any computer account.

(3) Accountability: Users are responsible for all use of their computer account(s) and equipment and can be held accountable for misuse even if by others if they have not used reasonable care. They should make appropriate use of the system and network-provided protection features and take precautions against others obtaining access to their Information Technology Resources. Each user is responsible for maintaining individual password security (or other account security).

(4) Encroaching on Others' Access and Use: Users may not encroach on others' use of Information Technology Resources. Such prohibited activities include, but are not limited to: tying up computer resources; sending harassing messages; sending frivolous or excessive messages, including chain letters, junk mail, and other types of broadcast messages, either locally or over the Internet; inappropriate or excessive use of ITS support staff time or inappropriate or excessive use of the system, including network, bandwidth or storage; introducing computer viruses, worms, Trojan Horses, or other rogue programs to University of Rochester hardware or software or failing to take appropriate steps to prevent the introduction of such; physically damaging systems; and running inefficient programs when efficient ones are available.

(5) Deceptive Practices: Users may not use or create links to the University Information Technology Resources that are not authorized or that cloak or hide the identity of the user or the fact that the system used belongs to the University.

(6) Identity of Users: All users, including, but not limited to, those standing behind local routers and wireless routers and firewalls, must be identified or identifiable when using the University systems and network.

C. **Copyrights and Licenses:**

Users of University Information Technology Resources must comply with copyright and licensing restrictions and with applicable university policies. University Information Technology Resources may not be used to violate copyright or the terms of any license agreement. Unauthorized downloading and distributing copyrighted material is prohibited. The University recognizes that the purpose of copyright is to protect the rights of the creators of intellectual property and to prevent the unauthorized use or sale of works. No one may use University Information Technology Resources to inspect, modify, distribute, or copy proprietary data, directories, programs, files, disks or other software without proper authorization.

D. **Publication, Defamation and University Reputation:**

Users must remember that information distributed through the University's Information Technology Resources is a form of publishing, and publishing standards apply. Anything originating from the University network or website may be interpreted by others to represent UR and not just an individual. Even with disclaimers, the students, faculty and staff may appear to represent the University, requiring the use of appropriate language, behavior and style so as not to damage the reputation of the University or incur liability. Users must refrain from stating or implying that they speak on behalf of the University and from using University trademarks and logos without authorization to do so.

E. Publicly Available Electronic Communication:

Publicly available electronic communications created and maintained by individual faculty or administrative staff that are housed on or linked from the University servers or use the University domain, including, but not limited to, web pages, chat rooms, and web logs (also known as blogs), must follow all the usage rules as set forth in this Policy.

(1) **University, School or Departmental Electronic Communication Resources:** University, School or Departmental electronic communication resources, such as Official Faculty or Administrator Web Pages, should contain only material germane to University and/or academic matters.

(2) **Personal Electronic Communication Resources:** Faculty and administrative staff may establish personal web sites, chat rooms, web logs (also known as blogs) and other forms of publicly available electronic communications using University Information Technology Resources on separate pages that are linked to their page on official University, School or Departmental electronic communication provided that the personal electronic communication page must carry in a prominent place this statement: "The views, opinions and material expressed here are those of the author and have not been reviewed or approved by the University of Rochester." Personal electronic communication resources hosted on University Information Technology Resources must follow all the rules set forth in this Policy, except that they may contain personal information not germane to University business.

Faculty, students and administrative staff in their personal capacities may, of course, establish and use personal electronic communication resources not using University Information Technology Resources that do not comply with this Policy, but if such a personal electronic communication resource is linked to official electronic communication resources, the personal electronic communication must comply with all the rules of this Policy.

F. Prohibited Uses:

Use of University Information Technology Resources (including but not limited to electronic or email, instant messaging and similar systems) for any of the following is prohibited:

(1) **Partisan Political Activity:** University resources, including Information Technology Resources, are prohibited by law from being used for partisan political activities, including giving or receiving endorsements or funds in connection with a campaign for elective governmental office within the United States. Individuals may, of course, express their opinions on and be involved with partisan political activities but they should do so as a personal activity (see Personnel Policy 112 on Political Activities for a general policy statement on these issues). The name of the University or any of its schools or departments, including its website (except for personal pages with appropriate disclaimer as described above), may not be used in connection with partisan political activity. If the University title of a faculty or staff member is used in connection with any partisan political activity, it must be accompanied by a statement that the person is speaking as an individual and not as a representative of the University.

(2) **Illegal Activity:** Use of University Information Technology Resources, must comply with all applicable laws, University rules and policies, and all contracts and licenses. Users are responsible for ascertaining, understanding and complying with the laws, rules, policies contracts, and licenses applicable to their particular uses.

(3) **Commercial Activity or Personal Gain:** University resources, including Information Technology Resources, may not be used for or to transmit commercial or personal advertisements, solicitations, endorsements or promotions unrelated to the business of the University.

(4) **Property or Identity of Others:** University resources, including Information Technology Resources, may not be used to seek, use, transfer, disseminate or steal the property of others, including personal identity information, student records or individually identifiable health information, except as permitted by law, which generally only allows use of personal identity information on a legitimate need to know basis to permit the proper conduct of University business. Users should respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected.

G. Security Risks and/or Sensitive Data:

Please consult the Information Technology Security Policy for more specific rules and suggestions concerning safe use of the system. More specific rules also govern the use of some kinds of particularly sensitive data (for example, patient, student personnel and donor records).

II. Warning about Using the System and the Internet

The University cannot guarantee protection against the existence or receipt of material that may be offensive or guarantee privacy or security. All users of electronic communications are warned that they may come across or be recipients of material they find offensive. Those who use e-mail and/or make information about themselves available on the Internet are warned that the University cannot guarantee individuals' protection from invasions of privacy and other possible dangers that could result from the individual's distribution of personal information. Users should therefore engage in "safe computing" practices by establishing or agreeing to installation of appropriate access restrictions for their accounts, guarding their passwords, and changing them regularly.

Section V - Enforcement

Violations of this Policy will be handled under normal University disciplinary procedures applicable to the relevant persons or departments. The University may suspend, block or restrict access to information and network resources when it reasonably appears necessary to do so in order to protect the integrity, security, or functionality of University resources or to protect the University from liability. The University routinely monitors the use of Information Technology Resources to assure the integrity and security of University resources. The University may refer suspected violations of applicable law to appropriate law enforcement agencies.

Violations of this Policy can result in disciplinary action up to and including separation from the University and/or exclusion from University programs, facilities and privileges. Violations of law can lead to fines, injunctions and personal liability.

Section VI – Approval and Review

To continue to support University technology resources, further Policy and procedural development is planned. Future Policy revision will likely include additional material concerning information security, data classification and network administration. The Policy will be reviewed and may be changed.

Approved by President Joel Seligman on December 12, 2006.

Revision approved on January 7, 2009.

Section VII - Questions – Where To Ask

If you have questions, call or email:

General Counsel

Sue S. Stewart

sue.stewart@rochester.edu

585-273-5824

Chief Information Officer

David Lewis

david.lewis@rochester.edu

585-275-5240

RESIDENTIAL COMPUTING NETWORK (ResNet)

Acceptable Use Policy

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

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

1. ResNet services, equipment, wiring or jacks may not be altered, nor extended beyond the location of their intended use.
2. The residential network may not be used to provide access to University Information systems for purposes other than those that are in direct support of the academic program of the University. The residential network may not be used to provide access to the Internet by anyone not formally affiliated with the University.
3. Any receipt, retransmission or destruction of software or data must observe copyright laws, license restrictions and University policies.
4. Viewing, copying, altering or destroying any file, or connecting to a host on a network without explicit permission of the owner is a violation of this policy.
5. The University's networks are shared resources. Excessive use of network resources which inhibits or interferes with the use of these networks by others is not permitted.
6. The residential network may not be used for commercial or profit-making enterprise. Use of these resources for commercial gain is in opposition to the non-profit status of the University.
7. Users may not share University system passwords, use another person's account, even with permission, or allow use of an established connection by someone other than the registered user.
8. Users may not forge or otherwise misrepresent another's identity through any form of communication.
9. Users may not use ResNet to attempt to circumvent protection schemes or exercise security loopholes in any computer of network component.
10. Users who administer computers on ResNet that are used as servers have the additional responsibility to respond to any use of their server that is in violation of this Acceptable Use Policy. Server administrators must take steps to prevent recurrence of such violations and report these violations to the ResNet Administrator.
11. University network resources may not be used to defame, harass, intimidate, or threaten any other person(s). University harassment policies cover all uses of ResNet, including e-mail correspondences and news groups.
12. All approved ResNet users (e.g. students, administrative staff, faculty, Faculty in Residence, spouses, and children) are expected to abide by all guidelines mentioned herein when using these resources.

Violations of this Acceptable Use Policy will be adjudicated, as appropriate, by the Office of the Dean of Students, the University Computing Center and Residential Life. Responses as a result of violations of these regulations may result in the following:

- Loss of access privileges
- University conduct responses as prescribed by student, faculty or staff behavioral codes

- Monetary reimbursement to the University or other appropriate sources
- Reassignment or removal from University housing and/or the University
- Prosecution under applicable civil or criminal laws

Further information on the ResNet Acceptable Use Policy or to report problems or violations, you can contact Residential Life, the Office of the Dean of Students, or the University Computing Center.

SOCIAL NETWORKING WEBSITES

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

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

ADDITIONAL COPYRIGHT INFRINGEMENT (“FILE SHARING”) INFORMATION

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

Copyright infringement can result in civil and criminal penalties:

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

Copyright infringement can result in University action separate from the legal ramifications above. University action may include, but not be limited to, any one or more of the following:

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

LEGAL MUSIC AND MOVIE SITES

The following music and movie sites provide links to legal music and movies.

Music

http://www.riaa.org/toolsforparents.php?content_selector=legal_music_sites

Videos

<http://www.mpaa.org/contentprotection/get-movies-tv-shows>

All links are included in the University of Rochester Copyright and File Sharing web site located at:

<http://www.rochester.edu/it/security/yourself/file-sharing.html>

QUESTIONS ABOUT POLICIES

For questions about policies, contact the Office of the Dean of Students (585-275-4085) in 510 Wilson Commons. This office oversees the administration of the policy and the resolution of violations and actively engages in a cooperative effort to educate students and organizations about their responsibilities as members of the academic community.

POLICY CHANGES AND UPDATES

The College reserves the right to modify the policies, procedures, and guidelines contained within this booklet without notice. For information about updates or changes, students can contact the Office of the Dean of Students (585-275-4085) in 510 Wilson Commons, or log on to the Office of the Dean of Students website at <http://www.rochester.edu/college/dos/conduct>.

ADDITIONAL REGULATIONS

Regulations listed in this handbook are not all-inclusive. Additional rules and regulations are contained in the *Official Bulletins of the University of Rochester*, the *UR Here Student Handbook*, the *Residential Community Standards* material, the *Residential Network Acceptable Use Policy*, the *Housing/Dining Contract Booklet*, *Residential Area Handbooks*, and other notices from Residential Life and other offices. When deemed necessary, the University of Rochester reserves the right to revise the community conduct standards.