



UNIVERSITY *of*  
ROCHESTER

STUDENT DISCIPLINE:  
CONDUCT STANDARDS,  
POLICIES AND PROCEDURES

2007—2008

---

OFFICE OF THE DEAN OF STUDENTS

# TABLE OF CONTENTS

<b>A</b>	<b>The University of Rochester Disciplinary System</b>	2
I	Statement of Communal Principles	2
II	Basic Rights and Expectations	3
III	The University and the Public Law	4
IV	Division of Jurisdiction and Responsibility	5
V	Summary Actions and Other Restrictions	6
VI	Standards of Conduct	6
VII	Judicial Process	8
VIII	Fundamental Fairness	11
IX	Sanctions	13
X	Appeals	16
XI	Disciplinary Records	17
<b>B</b>	<b>Other Student Life Regulations, Procedures, and Information</b>	18
I	Alcohol and Other Drug Policy	18
II	Group Responsibility Policy	24
III	Hazing Policy	24
IV	Computer Use Policies	25
V	Sexual Assault	37
<b>C</b>	<b>University Policy on Harassment and Discrimination</b>	39
<b>D</b>	<b>Involuntary Leaves of Absence</b>	33
<b>E</b>	<b>Additional Regulations</b>	52
I	Residential Life Behavioral Rules	52
II	No-Dog Policy	53
III	Biking Skateboarding, Rollerskating, & Rollerblading Policy	53
IV	Smoking Policy	54
V	Study Abroad Code of Conduct	54
VI	Policy Changes and Updates	54

## **A. THE UNIVERSITY OF ROCHESTER DISCIPLINARY SYSTEM**

### **I. 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.

#### **Community**

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.

#### **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.

#### **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.

## **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.

## **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.

## **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.

## **II. 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 unacceptable behavior. 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 College at the University of Rochester views discipline as only one means to address student behavior and concerns. Many faculty and staff members work to address these concerns through a variety of mechanisms.

#### *Student Support Network of the College*

The Student Support Network consists of a comprehensive array of campus offices and departments. Its purpose is to identify students and issues that may need attention, support, or other intervention. The Student Support Network meets formally on a regular basis. Its members hold themselves to the very highest ethical standards, sharing information confidentially among University staff and faculty on a "need-to-know" basis only. The Student Support Network is not a decision-making body, but provides an opportunity for College staff to communicate effectively toward developing strategies in accordance with the communal principles of the College.

Participating in the Student Support Network are representatives from the following offices: Residential Life, University Counseling Center, Interfaith Chapel, University Health Service, International Services Office, Dean of Students, Academic Support, University Intercessor, University Security Services, Dean of Freshman, Dean of Sophomores, the College Center for Academic Support, Learning Assistance Services, the Bursar, Financial Aid, the Office of Fraternity and Sorority Affairs, Athletics, Wilson Commons Student Activities, and the Office of Minority Student Affairs.

### **III. 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 University discipline 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.

#### **IV. DIVISION OF JURISDICTION AND RESPONSIBILITY**

- A. Authority to discipline students (which the University considers to be 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) 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 discipline involving both undergraduate and graduate students with a further delegation to disciplinary hearing teams/officers. These disciplinary hearing teams/officers determine, on the basis of the standards of the University community, whether a given alleged act can be said to have occurred by the preponderance of the evidence and if so, the response which is most likely to uphold community standards and educate the individual who committed the act. As the University official responsible for discipline, the Judicial Officer receives the recommendation of these hearing 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.

## V. SUMMARY ACTIONS AND OTHER RESTRICTIONS

The University retains the right to summarily suspend, ban, or otherwise constrain or restrict students, groups and organizations 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:

- **Summary 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.
- **Summary 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 sanctions pending judicial or other means for resolution. Actions include, but are not limited to, *Summary Social Probation* (cancellation of the privilege to hold functions/gatherings in which alcohol is present) and *Summary 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.

## VI. STANDARDS OF CONDUCT

Students are expected to abide by the rules of the University and to conduct themselves in accordance with accepted standards of good citizenship, honesty, and propriety, and with proper regard for the rights of others. Students must also obey federal, state, and local laws as would any good citizen. Furthermore, their responsibilities as students, scholars, researchers, and in many cases teachers and emerging professionals, often make special demands for the highest ethical standards.

The maintenance of harmonious community standards requires that behavior which interferes with or threatens the welfare of others or the University community be prevented. Ignorance of these standards will not be considered a valid excuse or

defense. Student participation in any unlawful or other potentially serious violations of University policy may lead to suspension or expulsion from the University.

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.

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 (as defined by University Alcohol Policy below) use, manufacture, sale, distribution, or possession of alcohol.
3. Unlawful use, manufacture, sale, distribution, or possession of drugs, narcotics, controlled substances, and/or the paraphernalia associated with such.\*
4. Unlawful or improper 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, double-edged knives, bows and arrows, stun guns, paint ball guns, and the like)\*\*
  - b. combustible materials such as gasoline or propane tanks,
  - c. candles, incense, or other open flame or burning substances,
  - d. operation of or tampering with fire safety apparatus for any purpose other than their intended and proper use.
5. Disorderly conduct, including fighting, threats, assault, attempted assault, harassment, or other actual or attempted conduct which threatens the health or safety of another. This includes 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 sanction.
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 theft and/or damage to the property of the University or others.

9. Unauthorized use or misuse of or entry into property or facilities; obstruction of or dangerous interference with the free flow of traffic on campus; leading or inciting the disruption of day-to-day activities of others on campus. This includes the misuse of University computers and computer systems and copyright infringement violations (see Computer Use Policies below).
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 Harassment/Discrimination Policy and the Policy on Intolerance outlined below.)
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.
13. Failure to consider community expectations and to demonstrate proper regard for the academic and personal rights of others. This includes complicity, as explained above.
14. Any violation of the University’s policies, rules, or regulations.

\*Some items, such as hookahs, are frequently associated with drug use, and will be confiscated as Security deems appropriate. Items testing positive for drug residue will be destroyed, and students will face appropriate disciplinary charges. Items testing negative will be returned to the student for removal from University property.

\*\*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 could result in arrest, suspension, and/or expulsion.

## **VII. JUDICIAL PROCESS**

### **The Complaint and Referral Process**

Any member of the University of Rochester or surrounding community (students, staff, faculty, Security, local law enforcement, local citizens/groups, others, etc.) may generate a complaint about 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 the Dean of Students – Eastman School of Music\*

Office of Residential Life – River Campus (Director, Senior Associate Director, Associate Director, Assistant Directors, Area Coordinators, Resident Advisors, Graduate Head Residents)

Office of Residential Life – Eastman School of Music (ESM)\*  
University Intercessor  
University Security

*\*Complaints involving Eastman School of Music students are processed by the ESM Dean of Students Office.*

All complaints involving alleged nonacademic misconduct by River Campus students should be forwarded to the Judicial Officer in the River Campus Dean of Students Office.

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 as groundless or trivial.
- b. Decide that the complaint can be processed through informal means of resolution.
- c. Direct the complaint to mediation
- d. Defer the case pending dismissal. (Deferment periods are generally not expected to last more than one semester.)
- e. Decide that the complaint contains grounds to believe reasonably 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.

### **Responsible Plea Option**

A student charged with an alleged violation may have the opportunity to waive a hearing by entering a responsible plea to the charge(s) and authorizing the hearing officer or body to issue a sanction. Based on the nature and circumstances of the case, the Judicial Officer, in his/her sole discretion, can either serve as the hearing officer or refer the matter to another authorized hearing officer or body (as described below) for resolution. The respondent is required to notify the designated hearing officer of his/her plea within two (2) business days. 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 Plea Option if the nature and circumstances of the case warrant a full judicial hearing.

### **The Disciplinary System Hearing Officers/Bodies**

There are five different hearing bodies available for resolving alleged violations of the Conduct Standards. They are as follows:

- **Graduate Head Resident:** The Graduate Head Residents serve as individual hearing officers responsible for processing disciplinary matters involving students choosing the Responsible Plea Option. GHRs resolve, whenever possible, alleged violations of residents from their (the GHRs) respective living areas or halls. They are authorized to issue the full range of sanctions up to, but

not including, Suspension from University Housing, Suspension from the University, and Expulsion.

- **Residential Life Area Coordinator/Assistant Director/Associate Director:** The Residential Life Area Coordinators, Assistant Directors and Associate Director process most Responsible Plea Options. These professional staff members resolve, whenever possible, alleged violations of residents from their (the Area Coordinators and Assistant and Associate Directors) respective living areas or halls. They are authorized to issue the full range of sanctions up to, but not including, Suspension from the University and Expulsion.
- **Administrative Hearing Officer:** An Administrative Hearing Officer--namely the Judicial Officer (Associate Dean of Students), the Director of Residential Life, the Senior Associate Director of Residential Life, or a designee appointed by the Judicial Officer—may conduct disciplinary hearings without a board or council. Disciplinary cases are usually referred to the Administrative Hearing Officer when the nature or circumstances of an incident or needs of the University warrant resolution at this level. Administrative Hearing Officers are authorized to issue the full range of University sanctions.
- **All Campus Judicial Council:** The ACJC is made up of student justices including a chief and associate chief. Justices for the ACJC are selected each spring by a panel composed of four student senators, the chief justice, and the associate chief justice. A member of the faculty 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 sanctions.
- **Administrative Hearing Team:** The Administrative Hearing Team is normally chaired by a designee of the Judicial Officer but may be chaired by the Judicial Officer him/herself, and consists of at least three but no more than six faculty or staff members of the University community. This hearing body resolves cases ranging from the simplest to the most serious of allegations, and is authorized to issue the full range of University sanctions. Panelists 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, team 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 Team.

### **Disciplinary Hearing Process and Purpose**

The Judicial Officer normally schedules an information session with each person involved in the complaint or named in the report to discuss the alleged violations, incident documentation and hearing process. Otherwise, students will be strongly encouraged, in their formal charge notification letter, to arrange this pre-hearing conference. Students should also make sure that they obtain, from the Dean of Students office, a copy of the *Student Discipline: Conduct Standards, Policies and*

*Procedures* handbook, which explains the University’s judicial process and the student’s rights.

The Judicial Officer may take any reasonable steps to ensure an orderly hearing process, including asking other members of the University community, not explicitly named or involved in the official report or complaint, to take part in the judicial process as the Judicial Officer deems appropriate for the proper and true adjudication of the matter. The Judicial Officer has full discretion to make appropriate changes, additions, or clarifications to the disciplinary procedure depending on the circumstances of each case.

The purpose of a disciplinary hearing is to seek the truth about a respondent's alleged misconduct. Through an objective and fair process, a hearing officer or body (a) determines, based on the information gathered from all involved parties, whether or not a violation occurred and (b) recommends a sanction if the respondent is found responsible.

### **VIII. FUNDAMENTAL FAIRNESS**

Except in extreme cases (where discretionary responsibility has been retained by the President or a delegate), no student shall be expelled or suffer other official disciplinary action for nonacademic misconduct unless the Judicial Officer takes summary disciplinary action (interim sanction pending a hearing) or unless the student has gone through a hearing, unless the student has waived his/her right to a hearing through the Responsible Plea Option. Fundamental fairness for disciplinary hearings at the University consists of the following standards:

1. All charges must be in writing and presented to the student at the time of notification of the hearing. (Students are reminded that they are expected to read and respond to, when necessary, email correspondence.)
2. Charges shall be reasonably specific as to the nature, time, and place of the alleged infraction.
3. The student shall be informed of his or her rights at the time he or she is charged and in his or her preliminary meeting with the Judicial Officer.
4. The respondent 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 Plea Option—if offered—shall be valid. Final determination of hearing type shall be made by the Judicial Officer.
5. The respondent shall be afforded at least seven days’ notice of the hearing in writing.
6. Hearings are normally scheduled within 14 business days after the hearing forum has been selected; however, the Judicial Officer may extend time lines to accommodate academic calendar or other extenuating circumstances.
7. The respondent 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 an open versus closed hearing shall be made by the Judicial Officer.

8. The respondent shall have the right to be accompanied by an advisor who may confer with and assist the respondent 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 Office of the Dean of Students.
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 shall have the opportunity to answer accusations and to submit the testimony of material witnesses on his or her own behalf. Witnessed 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 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 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 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 evidence presented, a respondent who refuses to give testimony or answer questions may nonetheless be found responsible by the hearing officer or body.
15. The hearing teams/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 a University policy, rule, or regulation.
16. The findings and recommendations of any of the hearing teams/officers will be forwarded to the Judicial Officer. In the event the Judicial Officer does not accept the findings or recommendations of a hearing team/officer, he or she may request further consultation and review by the hearing team/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 in writing of the hearing team's/officer's findings/recommendations and of his or her decision and sanctions, if any.

17. The respondent 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.
18. The Judicial Officer has discretion to modify, expand, or clarify these standards and any other aspect of the disciplinary process, depending on the circumstances.

### **Victim's Rights**

In all cases, charges are brought by the University against a student accused of an offense; in many cases, the University is in fact the only identifiable "victim" of an alleged offense. However, there are cases in which there is an identifiable "victim" other than the University. When the Judicial Officer determines that a victim can be identified, the victim is entitled to the following:

1. He or she may be present to hear all testimony, indirectly question witnesses (through the hearing team/officer), and may be accompanied by an advisor who may confer with and assist the victim but may not speak for him or her as an advocate. The advisor may be any member of the University community who is not an attorney;
2. He or she is entitled to learn the final outcome of the case;
3. He or she 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 in any decision/sanction and by any dean or director considering an appeal; and
4. He or she 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.
5. 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.

## **IX. SANCTIONS**

Maintenance of community standards is an important component of the judicial process. A major goal of the disciplinary 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 impose a penalty that will best educate the student or group involved.

The sanction ranges 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, Hearing Officers and Hearing Boards are expected to use discretion and good judgment, and are in no way bound by these recommendations.

**Alcohol Offenses**

Typical sanction range for a first offense is from six weeks to an academic year's disciplinary probation and completion of a University of Rochester alcohol education program (at the student's cost). Community restitution or a risk assessment may also be appropriate. Second offenses typically range from one half to one and one half years of disciplinary probation, community restitution, and a risk assessment to removal from residence. Third offenses vary widely, but very often include serious and mandated counseling, unless the student is suspended or expelled.

**Assault**

Typical sanction range: one academic year's disciplinary probation to suspension or expulsion from the University.

**Computer Misuse**

Typical sanction range: 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 sanction range: letter of apology to suspension from the University.

**Drug Policy**

Typical sanction range for a first offense is from eight weeks to an academic year's disciplinary probation and completion of a University of Rochester drug education program (at the student's cost). Community restitution and/or a risk assessment may also be appropriate. Second offenses typically range from one to one and one half years of disciplinary probation, community restitution, and a risk assessment to removal from residence. Third offenses vary widely, but very often include serious and mandated counseling, unless the student is suspended or expelled.

**Failure to Cooperate/Comply**

Typical sanction range: letter of apology to removal from residence.

**Providing False, Misleading, or Incomplete Information**

Typical sanction range: letter of apology to removal from residence.

**Fire Safety**

Typical sanction ranges vary widely depending on the nature of the violation, but generally include at least one academic year's disciplinary probation, and can result in expulsion from the University.

**Harassment**

Typical sanction range: six weeks' disciplinary probation to suspension from the University.

**Hazing**

Typical sanction range: up to two years' disciplinary probation and educational assignment to expulsion from the University.

**Vandalism and Damage**

Typical sanction range: six weeks' disciplinary probation and restitution fines to removal from residence.

**Sexual Harassment and Assault**

Typical sanction range: Up to three years' disciplinary probation, active avoidance (restraining) order, prohibition from various areas and events, and educational assignment to expulsion from the University.

**Theft or Attempted Theft**

Typical sanction range: eight weeks' disciplinary probation and restitution fines to suspension from the University.

**Trespassing/Misuse of University Property or Facilities**

Typical sanction range: letter or apology to removal from residence.

Some of the more common forms of sanctioning are listed and explained below. This list is by no means inclusive of all options open to officers and boards in sanctioning for individual offenses.

1. 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.
2. 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.
3. 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.
4. Revocation or Restriction of Privileges, for the use of designated University facilities or programs.

5. 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.
6. 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 if specified.
7. 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.
8. 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.
9. Expulsion, which means the student is permanently separated from the University. He or she may not apply for readmission to any program.

Other common sanctions 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 sanction is issued, it is the sole responsibility of the student to ensure that the sanction is completed in a timely fashion. Failure to complete an assigned sanction will result in an additional charge, and will be handled administratively by the Judicial Officer or his/her designee. Students failing to complete judicial sanctions normally have their student accounts placed on hold (making them unable to register for classes or receive transcripts) until such sanction is completed. Students facing this specific charge (i.e., failure to complete or to adhere successfully to a sanction imposed by The College's disciplinary system) do not have the right to a hearing or to an appeal.

## **X. 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. To review the sanction in order to determine whether it was appropriate;

2. To consider information sufficient to alter the decision that was not brought out at the disciplinary hearing; or
3. To determine whether errors substantive enough to affect the decision were made during the hearing.

### **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. This letter will be the formal basis of appeal. The letter 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 sanctions may be suspended pending the final decision.

## **XI. DISCIPLINARY RECORDS**

Student records, including files from disciplinary 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 disciplinary reasons. Officers of the University who have knowledge of disciplinary action may on occasion be asked to respond to inquiries regarding the student's involvement in disciplinary action. In accordance with the confidentiality of such records, the University officer may only reveal such information with the authorization of the student, except when required by law or when the University officer perceives a significant risk to the safety or well-being of that student or others. Disciplinary files are normally destroyed seven years after the student's last incident or separation from the University. However, certain University officials may retain indefinitely a record of offenses and final dispositions (without the names of the participants) to provide a precedent to assist the adjudication of future cases.

### **Release of Disciplinary Information**

Recognizing that others play important roles in each student's life, each student will be offered the opportunity to sign a release of disciplinary information form in each event of formal judicial action. The student's preferences, as indicated on this form, will be honored by The College to the greatest extent possible. However, it is important to note that there are some legal procedures which warrant the release of

this information to appropriate persons and authorities, and in all cases, The College reserves the right to share information with appropriate persons in the event that a student's health and/or safety are in danger.

## **B. OTHER STUDENT LIFE POLICIES, REGULATIONS, PROCEDURES**

### **I. ALCOHOL AND OTHER DRUG 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 page 23 for the list of federal, state, and local laws regarding alcohol and other drugs.) All undergraduate 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 sanctions and other disciplinary measures, up to and including expulsion. Discipline for violations of this policy will be imposed pursuant to the University's Disciplinary System (See pages 1-14).

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 undergraduate 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

*Drinking Games or Contests:*

- 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.**

*Rapid Consumption:*

- Items/substances used to dispense alcohol in a rapid manner, such as beer bong, funnels, Jell-O shots, etc.

*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 (Gilbert, Hoeing, and Susan B Anthony):*

- Possession and use of alcohol by all persons in all freshman rooms and Quad common areas, except for Residential Life staff, Residents Advisors, Freshman Fellows, and D’Lions of legal age.

**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 bongs, pipes, or any other item or device used in conjunction with illegal drug activity.

***EVENT/FUNCTION REGISTRATION***

All events/functions that meet any one of the three criteria below must be registered and the procedures outlined in “Procedures for Managing an Event/Function” must be followed (note: the procedures are available from the Student Activities Office, the Dean of Students Office, and the UHS Health Promotion Office; they can also be accessed at <http://www.rochester.edu/college/dos/>):

- More than 75\* people are expected to be present at any one time, (*for fraternities, sororities, and special interest floors in residence halls, the total is 24*), OR
- Use of common container of alcohol or distilled spirits by a third party vendor is being requested. Use of common containers or distilled spirits, other than that by a third party, is prohibited at parties.

The University reserves the right to, and may, conduct random checks of any event or function to determine compliance with this policy.

### ***SANCTIONS FOR POLICY VIOLATIONS***

Besides potential criminal penalties and civil liabilities, violators of this policy will be subject to the full range of institutional sanctions. 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 and sanctions, based on the severity and/or frequency of violation.

#### **Individual Sanctions:**

Sanctions may include one or more of the following, but are not limited to:

- Written warning
- Disciplinary probation (e.g., for a semester, six months, one calendar year)
- Completion of an alcohol and/or drug education program
- Educational assignment
- Community restitution hours
- Risk assessment conducted by a qualified substance abuse professional
- Suspension from University housing or the University
- Expulsion from the University

#### **Group Sanctions:**

Additional group sanctions may include, but are not limited to:

- Immediate termination of the event/function
- Submission of guest lists for all future formally registered events/functions
- Restriction of guests to those only 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
- Community restitution hours
- Mandated third-party catering of future events involving alcohol
- Loss of University funding and/or recognition
- Suspension of event/function hosting privileges

### ***QUESTIONS ABOUT THE POLICY***

For questions about the policy, contact the Office of the Dean of Students (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.

**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: x5-4085  
Eastman School of Music: x4-1200

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

Medical Center Office: x5-2662  
River Campus Office: x5-2161  
Eastman School Office: x4-1230  
Health Promotion Unit: x5-3113  
(Educational workshops/info., and Social Host Training)

**University Counseling Center** x5-3113  
Individual, couples, and group counseling

**Security:** Assistance with emergencies and non-emergencies  
Emergency Response x13  
Medical Emergency Response Team (MERT) x13  
Non-emergencies x5-3333

**Student Activities Office** x5-2330  
Room reservation, caterer information

**Residential Life** x5-3166  
Support/assistance with students' living situations

**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:

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 age 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.	

## II. GROUP RESPONSIBILITY POLICY

A student organization may be disciplined 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.

## III. 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 sanctioning groups found responsible for hazing, hearing boards are trained to begin sanction discussions with the possibility of revoking the recruitment privileges of such organizations.

#### **IV. COMPUTER USE POLICIES**

##### **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 Campus and Eastman 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 or the Internet to anyone outside of the University community for any purposes other than those that are in direct support of the academic program of 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 anyone else's personal files, or connecting to a host on a network without explicit permission is a violation of this policy.
5. The residential network is a shared resource. Network use or applications which inhibit or interfere with the use of the network 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 someone's identity through any form of communication.
9. Users may not attempt to circumvent protection schemes or exercise security loopholes relative to any ResNet hardware or software.
10. ResNet resources may not be used to liable, slander, harass, intimidate, or threaten any other person(s). University harassment policies cover all uses of ResNet, including e-mail correspondences and news groups.
11. 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 Dean of Students Office, the University Computing Center and Residential Life. Sanctions as a result of violations of these regulations may result in the following:

- Loss of access privileges
- University judicial sanctions 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 Dean of Students Office, or the ITS Center as appropriate.

## **UNIVERSITY INFORMATION TECHNOLOGY POLICY**

### **SECTION I – INTRODUCTION**

#### **I. GENERAL PRINCIPLES**

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

**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.

**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. **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.

**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

**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.

**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**

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 Services (ITS) staff or any other person designated by the Chief Information Officer and must be consistent with legitimate University business needs.

### **SECTION III 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 know as blogs), must follow all the usage rules as set forth in this Policy.

- **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.
  - **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.

## **IV. 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.

## **V. 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.

## **VI. QUESTIONS – WHERE TO ASK**

If you have questions, call or email:

General Counsel Sue S. Stewart at [sue.stewart@rochester.edu](mailto:sue.stewart@rochester.edu)

## FACEBOOK.COM AND OTHER INTERNET SITES

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, our practice changes, and we carefully monitor in the most unobtrusive way possible in order to ensure that such violations either have not occurred or will not occur again. Students, therefore, are fully responsible for the consequences of their internet use.

Facebook.com and other similar 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. These sites are open to an international market. 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' facebook.com 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 facebook.com.

For more information, please see the brochure, "Your Face on Facebook: Thinking Carefully; Posting Conscientiously."

## COPYRIGHT INFRINGEMENT ("FILE SHARING") INFORMATION

Sharing copyrighted works without the copyright owner's permission 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. The Recording Industry Association of America (RIAA) brought lawsuits against over 1,500 individuals in 2006 alone. Students have the responsibility to know the law and University policy on downloading and distributing copyrighted files. Specific information is located at [www.rochester.edu/its/security/copyright.html](http://www.rochester.edu/its/security/copyright.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

## **V. 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 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 or beaten 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 will be provided for those who need such assistance.

Whenever the survivor wishes to report the incident to University Security, an investigator will be notified. If a survivor has not yet made a decision to file a report with Security, but has concern about potential danger to themselves or to others, a survivor 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.

### ***WHAT SHOULD YOU DO IF YOU HAVE BEEN SEXUALLY ASSAULTED?***

- Make sure that you are out of danger. If you need immediate assistance, call x13 (on-campus) or 911 (off-campus).
- Get proper medical attention even if you do not think you need it. Do not shower, bathe, douche, brush your teeth or eat. Medical evidence can be

collected, if you request it. (Collecting evidence does not mean you have to pursue criminal proceedings; it merely leaves that option open). Call the Sexual Assault Hotline (275-7273) and/or contact one of the services listed below for help.

- Report the crime to the University of Rochester Security Division and/or the appropriate law enforcement agency. You may report sexual assault anonymously. University of Rochester Security can offer assistance, if desired, in notifying the police. It is important to let Security and the police know that a sexual assault has occurred even if you do not want to pursue criminal proceedings against the assailant. Specially selected and trained officers are available to work with you throughout the process, and female officers may be requested and assigned, if available. When you report sexual assault, you are not making a commitment to file charges or testify in court.

### ***WHAT KIND OF HELP IS AVAILABLE?***

There are a number of types of help available. Although it is usually easiest for these resources to offer maximum support and assistance when notified immediately following an assault, they can be helpful at any time after an assault. A sexual assault survivor always has the right to choose the option that would be most helpful for him/her. As a survivor of sexual assault, you have the right to the following:

- Call the Sexual Assault Hotline (275-7273). The Hotline offers assistance 24 hours a day. Trained volunteers staff the hotline. They can help you understand your options and answer any questions you have.
- Call Security (x13 for emergencies, 275-3333 for other concerns). Security can help you decide if you want to file a criminal complaint, and they can serve as a link to other law enforcement agencies. Security can help with relocation and transportation, and they can help you exercise your right to file a criminal complaint.
- Call the University Counseling Center (275-3113 or 275-2361). A 24-hour on-call service, plus individual and group psychotherapy, are available to all full-time students.
- Call the University Health Service anytime (275-2662). You can receive medical attention, including preventative medicine for pregnancy and sexually transmitted diseases.
- Call the University Intercessor for Sexual Harassment (275-9125). The Intercessor can serve as a resource in discussing the options available.
- Call the Office of the Dean of Students (275-4085) for assistance in dealing with personal concerns, as well as referrals to appropriate resources. If you are a student at the Eastman School, you can receive the same services through the Eastman Dean of Students Office (274-1200).

### ***WHAT ARE THE PROCEDURES AT THE UNIVERSITY?***

The Office of the Dean of Students is responsible for handling campus judicial procedures for dealing with sexual assault. All services are designed to protect the

rights and privacy of both the victim and the accused. Students may receive assistance in changing academic and living situations, if requested.

Both informal and formal means of dealing with the assault are offered. Choosing an informal procedure does not preclude the later undertaking of a formal grievance procedure. Within the informal option, the survivor can choose to use one of several ways to resolve his/her concerns and correct inappropriate behavior, including writing a letter to the respondent, meeting with the respondent to discuss the incident with a third party present, and requesting an educational workshop for the area/department.

The formal option involves a review of the complaint by the Administrative Hearing Team. The complainant and the respondent are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and both shall be informed of the outcome of any campus disciplinary proceeding. For more information, contact the University Intercessor at x5-9125 or the University Dean of Students Office at x5-4085.

## **C. UNIVERSITY POLICY ON HARASSMENT AND DISCRIMINATION**

### **I. Preamble and Equal Opportunity Statement**

The success of the University of Rochester depends on an environment that fosters vigorous thought and intellectual creativity. It requires an atmosphere in which diverse ideas can be expressed and discussed. The University of Rochester seeks to provide a setting that respects the contributions of all the individuals composing its community, that encourages intellectual and personal development, and that promotes the free exchange of ideas.

To help establish and perpetuate an inclusive and open environment, all members of the University community are expected to support the University's Equal Opportunity Statement:

The University of Rochester values diversity and is committed to equal opportunity for all persons regardless of age, color, disability, ethnicity, marital status, military status, national origin, race, religion, sex, sexual orientation or veteran status, or any other status protected by law. Further, the University complies with all applicable non-discrimination laws in the administration of its policies, programs and activities.

*(Questions on compliance with the Equal Opportunity Statement should be directed to the particular school or department and/or to the University's Equal Opportunity Coordinator, University of Rochester, P.O. Box 270039, Rochester, NY 14627-0039. Phone: (585) 275-9125.) -- See HR Policy 100*

## **II. Policy Against Discrimination and Harassment**

Any behavior, including verbal or physical conduct, that constitutes discrimination against or harassment of any student, faculty or staff member of the University community in any form is prohibited.

Retaliation is prohibited in any form against a person because he or she complained about conduct reasonably believed to be discrimination or harassment.

## **III. Policy Enforcement**

All members of the University community (including faculty, staff and students) and all visitors (including patients and vendors) to University facilities and property (including, but not limited to, the campus, including but not limited to River Campus, the Medical Center campus, Strong Memorial Hospital, Eastman Dental Center, the Laboratory for Laser Energetics, Eastman School of Music, Memorial Art Gallery and offsite offices of faculty physicians) and at University sponsored activities must comply with this Policy Against Discrimination and Harassment while on University premises or at University events.

The University is committed to preventing unlawful discrimination, harassment and retaliation. Upon learning that such conduct has occurred, the University will take the necessary corrective action to prevent such conduct from reoccurring in the future. Violation of the Policy may result in disciplinary action up to and including separation from the University and/or exclusion from University programs and facilities. Individuals who complain about or give information in any form about conduct they reasonably believe to be discrimination or harassment will be protected from retaliation for making a complaint, giving information or filing a Report.

The University can only act to prevent unlawful discrimination, harassment and retaliation from reoccurring in the future if it is aware of such conduct. Therefore, each member of the University community should report discrimination, harassment or retaliation in accordance with the procedures described in Section V.

The Policy is not intended to regulate the content of speech, discussion and debate in the classroom, on Campus or in any University forum. It is not intended to regulate artistic and visual arts expression. The University will protect academic freedom and artistic expression in administering the Policy. Using speech to discriminate against those protected by this policy or speech that creates a hostile learning, working or campus living environment for those protected by this policy is prohibited.

## **IV. Definitions/Examples**

### ***A. Discrimination***

Discrimination is (1) any conduct (2) that adversely affects or impacts an individual's or group's ability to function and participate as a member of the

University community (3) because of their age, color, disability, ethnicity, marital status, military status, national origin, race, religion, sex, sexual orientation, veteran status, or other status protected by law, or because of their perceived or actual affiliation or association with such individuals or groups. Discrimination includes any behavior that is unlawful discrimination under applicable New York State and/or federal law.

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

**B. Harassment**

Harassment is (1) any unwanted conduct (2) that is intended to cause or could reasonably be expected to cause an individual or group to feel intimidated, demeaned, abused or fear or have concern for their personal safety (3) because of their age, color, disability, ethnicity, marital status, military status, national origin, race, religion, sex, sexual orientation, veteran status, or other status protected by law or because of their perceived or actual affiliation or association with individuals or groups identified by such characteristics and (4) that could reasonably be regarded as so severe, persistent, or pervasive as to disrupt the living, learning, and/or working environment of the individual or group. Harassment includes any behavior that is unlawful harassment under applicable New York State and/or federal law.

Examples of harassment can include, but are not limited to, unwanted physical contact or threats of physical contact, intimidation, stalking, degrading and derogatory words, graffiti, pictures, jokes, epithets, statements or stereotyping activities as well as other forms of verbal, visual or written messages of intimidation.

**C. Sexual Harassment**

Sexual Harassment is Harassment as defined in B that involves unwelcome conduct of a sexual nature. Depending on the circumstances, the following types of behavior may constitute Sexual Harassment:

- Unwanted comments about an individual's body, clothing or lifestyle that have sexual implications or demean the individual's sexuality or gender;
- Unwanted sexual flirtations, leering or ogling;
- Unwanted sexual advances and propositions;
- Unwanted display of sexually demeaning objects, pictures or cartoons in areas visible to other members of the University community;
- Threats or insinuations that an individual's refusal or willingness to submit to sexual advances will affect the individual's status, evaluation, grades, wages, advancement, duties or career development;
- Unwanted and intentional sexual touching, patting, pinching, or brushing another's body or clothing;

- Stalking, telephone or computer harassment, dating violence, sexual assault or date rape.

Section III C. of the Faculty Handbook deals with Consensual Relations and reads: “The University of Rochester strongly discourages any sexual or amorous relationships between members of the University community and those students over whom they have a direct, current supervisory or evaluative relationship. Such relationships, even when consensual, are problematic because they may result in favoritism or the perception of favoritism, which imperils the integrity of the educational environment. Such relationships may also lead to charges of sexual harassment.”

#### **D. *Retaliation***

Retaliation is any materially adverse action by the University that punishes a person for complaining about, giving information about or filing a Report alleging conduct reasonably believed to be discrimination or harassment. To be prohibited retaliation the action must (i) have occurred because of the complaint, information given or Report filed and (ii) dissuade a reasonable person from complaining about, giving information about or filing a Report concerning harassment or discrimination. Examples of retaliation can include, but are not limited to, the following actions by the University when taken to punish or disadvantage an individual who has complained about or given information about or filed a Report concerning discrimination or harassment to the University:

- Unfair disciplinary action such as a written reprimand, demotion, or termination;
- An adverse change in work conditions, including a job reassignment or change in job duties or work schedule;
- An unfairly negative course grade;
- Increased or unequal monitoring of activities;
- An unfairly poor job or course evaluation;
- Ostracizing or withholding information from a complaining student or employee by supervisory personnel or faculty.

### **V. Procedures**

#### **A. *General***

The University takes all complaints of unlawful discrimination, harassment or retaliation very seriously. The University will take appropriate measures to prevent unlawful discrimination, harassment or retaliation.

A person who believes he or she has experienced harassment, discrimination or retaliation or is aware of such conduct occurring to another must report it. The individual may choose formal or informal means to report or address the issue (described in the following sections). However, in choosing the approach to use,

the reporting or complaining individual should understand that informal resolution processes, although often effective, do not normally result in disciplinary action taken by the University against someone who has violated this Policy. The formal resolution processes do often result in disciplinary action taken by the University against someone found to be a violator of this Policy.

No one will be required to make complaints to or file a Report with a person who may be the subject of the complaint/report or with whom the individual making the complaint or filing the Report is otherwise uncomfortable. There are many choices of people to whom complaints/reports can be directed (see following sections).

A supervisor or person with managerial authority who observes or learns of alleged unlawful harassment, discrimination or retaliation must inform Human Resources and the relevant administrator (see following sections).

The University itself acting through one of its administrators can prepare a Report, initiate an investigation under this Policy or initiate the informal resolution process.

**B. *Informal Assistance – Intercessors.***

University Intercessors are counselors available to students, staff, or faculty to discuss complaints or questions about discrimination, harassment, retaliation and related issues and to educate the University community about such matters. An Intercessor may be consulted to help further direct an individual with a complaint or mediate or otherwise informally resolve an issue of possible discrimination, harassment or retaliation.

Intercessors may help mediate or facilitate an informal resolution of a problem. However, Intercessors do not have the power themselves to take disciplinary action. Speaking to an Intercessor, although perhaps very helpful in resolving an issue, cannot result in disciplinary or corrective action taken against another individual. Speaking to an Intercessor does not constitute making a formal complaint and is not official notice to the University that there is a potential problem - that can only be done by means of one of the formal Report processes described in the next section.

Intercessors will, to the extent permitted by law, honor requests to keep matters confidential and take no further action, but if the Intercessor determines that there may be threat of future harm or a pattern of discriminatory or harassing behavior, he or she must report the incident to a responsible University administrator with the authority to investigate and take corrective action and may be required to file a Report even without the consent of the individuals directly involved.

### **C. *Formal Resolution Procedures.***

#### ***Reporting a Possible Policy Violation***

Any University employee, faculty member, student, patient or visitor who believes that he or she has experienced or knows of conduct reasonably believed to be discrimination, harassment or retaliation as defined in this policy should make a formal complaint to the University. To do so, he or she must fill out a Report form or ask an Intercessor, Human Resources, Dean or Department manager to fill out and process a Report.

If a manager, administrator or any other member of the University community has information that he or she reasonably believes indicates that unlawful harassment, discrimination or retaliation has occurred, even if based only on the statements of others, he or she must either fill out and file a Report to initiate an investigation pursuant to this Policy or report the potential violation of this Policy to any Human Resources Office.

Report forms are available on the University's Human Resources web page or from any Human Resources, Intercessor or Dean's Office. Reports under this Policy need not be on the official Report form so long as the report is made in writing and contains the name of the individual making the report, the date and a basic description of the behavior that is believed to violate this Policy. The completed form must be given to: (1) any Human Resources Office (2) any Dean's Office (3) the Office of the Provost or the Office of the Senior Vice President for Health Sciences, (4) any Dean of Students Office or (5) any Intercessor. If the Report is received by an administrator who is not the relevant administrator to process the Report, the receiving administrator promptly should convey the Report to the appropriate responsible Official (see following paragraph).

#### ***Who Determines if the Policy is Violated***

A responsible Official ("the Official"), or a responsible administrative officer designated by the Official, will consider and act on all Reports or credible knowledge received that alleges conduct reasonably believed to be unlawful discrimination, harassment or retaliation in as timely a manner as possible under the circumstances.

If the complaint is against a staff person, the Official will be the Dean if employed in a school or the libraries, the Director if employed in Laboratory for Laser Energetics or the Memorial Art Gallery, the Chief Executive Officer of Strong Memorial Hospital if employed in the hospital, or the Provost or Vice-President of the division if employed in an administrative unit (or the Official's designee). If the complaint is against the relevant Official (or designee) or he/she may be seen as having a conflict of interest, the Provost will appoint a responsible administrator without a conflict who does not report to the relevant Official to act as the Official to consider the allegations.

If the complaint is against a faculty member or concerns a faculty process or department, the Official will be the Dean of the school where the faculty member complained about holds a primary appointment or where the process occurred or department resides (or the Dean’s designee). If the complaint is against the Dean (or designee) or he/she may be seen as having a conflict of interest, the Provost or the Senior Vice President for Health Sciences will appoint a responsible administrator without a conflict who does not report to the relevant Dean to act as the Official to consider the allegations.

If the complaint is against a student, the Official will be the Dean of Students or other administrator designated as responsible for student discipline in the school where the student is enrolled. If the complaint is against the Dean of Students or administrator so acting or he/she may be seen as having a conflict of interest, the Dean of the School will appoint a responsible administrator without a conflict who does not report to the Dean of Students or administrator acting as a dean of students.

If the complaint is against the Provost or the Senior Vice President for Health Sciences, the Official will be the President. If the complaint is against the President, the complaint should be given to the Chair of the Board of Trustees and will be decided by the Board as it deems appropriate.

If the complaint is against a patient or visitor to the hospital, the Official will be the Chief Executive Officer of Strong Memorial Hospital (or designee).

If the complaint is against a visitor or vendor, the Official will be the Sr. Vice President for Finance and Administration (or designee).

***Temporary Protective Measures***

If under the circumstances it appears advisable in order to protect the working, learning, patient care or living environment for members of the University community or public confidence in the integrity of the University, temporary actions may be taken by the relevant Official (or designee) during the period after the incident through the final determination including any appeals by the University or relevant court, law enforcement or other governmental agency. Such actions include, but are not limited to, placing an individual on temporary leave of absence, excluding from programs and/or facilities, changing working, learning, patient care or living arrangements, or imposing conditions in the relevant University environment during the period after the incident or allegations through the final determination including any appeal by the University or relevant court, law enforcement or other governmental agency.

***Procedures for Considering Allegations against Students***

The Deans of Students (or administrators designated to handle student discipline) will follow established student disciplinary procedures to resolve complaints against students.

***Notifying Human Resources and Office of Counsel***

When a complaint, Report or alleged information indicates that a staff, faculty member, visitor or patient may have violated this Policy, as promptly as possible under the circumstances after receiving the information, the person receiving the information should inform Human Resources and the Office of Counsel.

***Procedures for Considering Allegations against Employees and Faculty undertaken by Human Resources and the Supervising Administrator***

There are three circumstances under which an investigation and action concerning possible violation of this Policy can be taken by Human Resources and the Supervising Administrator, including Department Chairs, of the person accused of violating the Policy without further investigation by or under the direction of the Office of Counsel, specifically:

1. An initial assessment by the Supervising Administrator in consultation with Human Resources determines that there has been no harassment, discrimination or retaliation assuming all of the facts are true as alleged by the complainant or other person reporting the behavior.
2. An initial assessment by the Supervising Administrator in consultation with Human Resources determines that there is no dispute about what happened or that the behavior constituted a violation of this Policy.
3. An initial assessment by the Supervising Administrator in consultation with Human Resources determines that the allegations constitute misconduct but not harassment, discrimination or retaliation prohibited by this Policy assuming all the facts are true as alleged by the complainant or other person reporting the behavior.

***Procedures for Considering Allegations against Employees, Faculty, Patients and Visitors undertaken by or under the direction of the Office of Counsel***

In all other cases, Office of Counsel will conduct an initial assessment of the allegations and advise the Official (or designee) whether or not the facts as alleged could constitute a violation of this Policy. If merited, Office of Counsel will assign an Investigator(s), a neutral person or persons charged with responsibility for conducting an impartial investigation of the facts. The Investigator will undertake the investigation on behalf of the University. The Investigator will inform anyone suspected of violating this Policy about any allegations or information indicating that he or she violated the Policy and will give him or her the opportunity to present information, including suggesting the names of those who might have additional relevant information.

The Investigator will interview such people and review such information as the Investigator deems relevant. Individuals are strongly encouraged to assist the Investigator, as the agent of the University and Official, by answering questions and giving information. Anyone who gives information to an Investigator will be protected from retaliation. The Investigator will ask people interviewed to sign written statements. If an individual refuses to sign a written statement, the Investigator will document the information received from the individual by means of a written summary.

The Investigator may interview anyone who the Investigator believes has knowledge of facts and circumstances relevant to determining the issues raised in the investigation. If the facts warrant, the Investigator can amend the allegations to reflect more accurately the behavior(s) that indicate a possible violation of this Policy.

Generally within 45 business days after being asked to conduct an investigation, the Investigator will make a written report of findings to the Official (or designee). The Investigator's role is not to recommend a response to the Report or a sanction, but to present the facts based on the investigation, including a full copy of any written statements gathered.

The Official (or designee) may ask the Investigator to find further facts, or may make a decision based on the Investigator's report. The Official (or designee) generally should act within five business days of receiving the Investigator's report. The Official (or designee) will inform the complainant, the person(s) alleged to have violated the Policy, Human Resources and the Office of Counsel of the decision. The determination, including any intended corrective action, will be shared with both the complainant and person alleged to have violated the Policy. The decision must be communicated in writing even if the decision is also communicated orally.

***Appeals***

Any party may appeal the decision, within 15 business days of that decision. Appeals for cases in which the accused is a staff member, visitor or patient are to the Vice President and Secretary of the University. Appeals for cases in which the accused is a faculty member are to the Provost. Appeals for cases in which the accused is an officer are to the President.

The purpose of the appeal is not to have a second investigation or review all the facts, but is limited to considering (1) evidence not previously available to the Investigator or the Official (or designee); (2) material defects in the process leading to the decision; or (3) severity or appropriateness of the imposed corrective action. An appeal must take the form of a written request delivered to the Office of the Vice President/Secretary, the Provost or President, as the case may be, stating the basis for the appeal.

The Vice President/Secretary, Provost or President, as the case may be, will obtain the written record of the investigation and decision from the deciding Official. A decision on the appeal will be issued in writing normally within 15 business days after the day the appeal document is received. The decision of the Vice President/Secretary, the Provost or the President, as the case may be, shall be final.

A copy of the decision on the appeal will be given to the person alleged to have violated the Policy, the complainant or person alleged to have been the subject of harassment, discrimination or retaliation, the Official who made the original decision, Human Resources, the Office of Counsel and any person with a need to know for purposes of implementing the decision.

A copy of the decision shall be placed in the personnel file maintained by Human Resources of any individual found to have violated this Policy.

Staff and faculty may not use the Human Resources Grievance Procedure (policy 160) or the Faculty Handbook grievance procedures to complain about harassment, discrimination or related retaliation or to challenge a decision on such matters by the Official, the Vice President and Secretary, Provost or President. All complaints or Reports involving harassment, discrimination or related retaliation are to be handled under the processes set forth in this Policy. However, no faculty member's tenure can be revoked or contract abrogated without following the tenure revocation process outlined in the *Faculty Handbook*.

### **Confidentiality**

University administrators and staff dealing with allegations of harassment, discrimination or retaliation understand the importance of confidentiality and will not disclose information learned in connection with an allegation or investigation except on a need to know basis in order to investigate and resolve the allegations or Report. Investigations, however, generally require obtaining information from people who know about the alleged event.

Individuals who want to discuss a possible incident of discrimination, harassment or retaliation with more assurance of confidentiality should contact:

- University Counseling Center (students or student spouses)
- Chaplains
- Employee Assistance Program (employees)

These counseling sources do not have the authority to investigate or officially take action to resolve complaints.

Individuals who want to discuss a possible incident of discrimination, harassment or retaliation in order to determine whether to report the incident for investigation may want to contact an Intercessor. Intecessors are counselors who understand the

importance of confidentiality and who will, to the extent permitted by law, honor requests to take no further action. However, if the Intercessor determines that there may be some threat of future harm or a pattern of unlawful discriminatory, harassing or retaliatory behavior, he or she may report the incident to an administrator with the authority to take corrective action. Intercessors do not themselves investigate complaints or take corrective action, although they can mediate resolutions between involved parties with the parties assent.

**1) Records**

The Office of Human Resources is charged with the responsibility to keep written records of all complaints and Reports alleging harassment or discrimination or related alleged retaliation against staff and faculty and their resolution. The Official (or designee) and, if there is an appeal, the Vice President/Secretary or Provost must also provide Human Resources with a copy of their written decisions. A copy of the decision will be kept in the Human Resources personnel file of a faculty or staff member found to have violated this Policy. A copy of the decision may be kept in the individual’s departmental file. Investigation records will be kept in the Office of Counsel. Any disciplinary action taken will be reflected in the personnel file of the individual being disciplined. Records of complaints and Reports against students will be kept in the office of the administrator in the relevant school charged with oversight of student affairs.

Records will be maintained for six years.

**2) Time Limits**

Where specific times are mentioned in this Policy within which actions are to occur, the specific times are not meant to be rigid limits. Variations in the time it takes to handle or decide matters may occur for different reasons, depending on availability of witnesses, information, or other valid factors. All personnel charged with acting on complaints or Reports under this policy shall use good faith to accomplish their work as quickly as time and circumstances allow.

**3) Harassment or Discrimination by Non-University Personnel**

The University has the right to remove individuals from University property and events and to bar individuals from future access to University property or attendance at University events. This right includes, but is not limited to, circumstances in which the individual has been accused of, or found responsible for, discrimination, harassment or retaliation while on University property or in attendance at a University event.

***D. Committee on Inclusion and Diversity.***

The Committee on Inclusion and Diversity is an ad hoc committee that can be convened by the President in response to apparent incidents of discrimination or harassment. The membership of this Committee normally includes people from the

following list: Intercessor, Representative of the Dean or Director of the division in which the alleged incident occurred or to which the individuals involved are most closely related, Associate Vice President for Human Resources, Human Resources Manager for Diversity and Inclusion, Chair of the College Diversity Roundtable (if the event involves the College) or person holding a similar position in another School, Vice Provost for Faculty Development and Diversity, Chair of the Campus Safety Advisory Committee, Director of the Interfaith Chapel, Director of University Facilities and Services and such other individual student, staff or faculty representatives as the President considers appropriate to the specific circumstances.

The Committee can meet with interested members of the University community to provide an opportunity for those who wish to express publicly their concerns and reactions to the incident, to decide if a community response is appropriate and to recommend such response, and to make a report to the President and the greater University community. The report may include recommendations for educational programs and efforts to facilitate understanding of the issues and circumstances that can lead to discrimination, harassment and misunderstanding in our diverse University environment and other initiatives to advance the Institution's educational mission and an inclusive environment.

Referral of an incident to the Committee will occur only with the consent of the complainant(s) involved or following the incident becoming a matter of widespread community knowledge and concern. Consideration by the Committee will not replace or limit the University investigation and action pursuant to this Policy.

#### **D. 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 Dean of Students Office. 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 Dean of Students Office.

## ***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.

## **E. ADDITIONAL REGULATIONS**

\*Note: These regulations are 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 *Residential Network Acceptable Use Policy*, the *Housing/Dining Contract Booklet*, *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.

## **I. RESIDENTIAL LIFE BEHAVIORAL RULES**

### ***Prohibited Possessions***

The following are not permitted anywhere in any University residential building: firearms and other weapons; explosives; fireworks; candles or open flames; gasoline or other flammable liquids; chemicals or hazardous materials; motorcycles or other fuel-powered vehicles; cooking equipment and appliances except where there are specifically designed facilities for them; space heaters; halogen lamps above 150W; appliances that are not UL listed; pets not allowed under the Residential Life pet policy; air conditioners; controlled substances and related drug paraphernalia; alcoholic beverages except in accordance with state, local, and University regulations; and any other materials or items representing a danger to the University community. Information on approved items can be obtained from your Residential Life Area Office.

### ***Prohibited Behavior***

Any of the following constitute a violation of the University regulations: vandalism; any form of threat to other persons or property; excessive noise or disruptive behavior; smoking in any residential area or within thirty (30) feet of any building;

misuse of the residential or University computer networks; tampering with facilities or equipment; being on roofs and ledges; removal of window screens; throwing objects from buildings; leaving or storing bicycles in stairways, stairwells, hallways, entryways, or other public areas; and any other behavior which constitutes a perceived or actual danger or threat to property or persons.

### ***Fire Safety Regulations***

Failure to comply with fire safety rules and regulations may result in removal from University housing (along with applicable criminal or civil charges), as may any of the following: activating or reporting a false fire alarm; damaging or disabling fire safety or fire alarm equipment; intentionally activating a heat or smoke detector; failure to evacuate or reentering buildings during a fire alarm or fire drill; interfering with safety officers performing their duties; setting a fire; or other safety violations.

## **II. NO-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 serves as a guide for visually impaired individuals or 2) special permission is obtained from the Office of the Dean of Students.

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.

## **III. BIKING, SKATEBOARDING, ROLLERSKATING, AND ROLLERBLADING POLICY**

1. Rollerskating, rollerblading, skateboarding, scooter riding, and bicycle riding is prohibited in all University buildings.
2. Rollerskating, rollerblading, skateboarding, scooter riding, and bicycle riding as a means of transportation is only permitted on walkways, roadways, and ramps when the operator does not create a hazard to him or herself or others. Roller skaters or skateboarders must not skate two (2) or more abreast. Performing jumps or other stunts is strictly prohibited on the campus.
3. Those persons causing damage to persons or property while engaged in the use of these devices will be held financially responsible.
4. Requests for exceptions to this policy for programmed events must be made in writing to the Office of Student Activities. Additional questions or comments should be directed to the Dean of Students Office.

Students are advised that the City of Rochester has its own roller skating and skateboarding regulations. These regulations can be obtained at the City Hall or by

visiting their website at <http://www.ci.rochester.ny.us/>. The City policy pertains to these activities on public property, such as city streets, sidewalks, and parks.

#### **IV. SMOKING POLICY**

No smoking is permitted in the interior of any area of any University building, including all residence halls. Please see a member of the Residential Life staff for more information.

#### **V. STUDY ABROAD CODE OF CONDUCT**

Students should be aware that there exists an expanded code of conduct for those participating in study abroad programs. This expanded code of conduct is available in the Study Abroad Office, Lattimore Hall, Room 206.

#### **VI. 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 Dean of Students Office at 275-4085, or log on to the Dean of Students website at <http://www.rochester.edu/college/dos/>.