STANDARDS OF STUDENT CONDUCT
A Guide to the University of Rochester Conduct Process and Policies

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This guide is available online at http://www.rochester.edu/college/dos/conduct/
THE UNIVERSITY OF ROCHESTER CONDUCT SYSTEM

STATEMENT OF COMMUNAL PRINCIPLES

Purpose
The University of Rochester is an institution dedicated to the discovery of knowledge through research and education. The College and Eastman School of Music, in particular, are communities of engaged people who come together in residential learning environments to learn, to teach, or to work in service to these endeavors. To encourage the participation and involvement of all members of The College and Eastman, we have set forward several fundamental interrelated principles that 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 and Eastman communities and to ensure the involvement and inclusion of all its members.

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

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

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

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

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

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

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

1. Disorderly conduct, including: fighting, threats, assault, harassment, or any other actual or attempted conduct that threatens the health or safety of oneself or others. Harassment consists of any unwanted conduct that is intended to cause, or could reasonably be expected to cause, an individual or group to feel intimidated, demeaned or abused, or to fear or have concern for their personal safety—where this conduct could reasonably be regarded as so severe, persistent, or pervasive as to disrupt the living, learning, and/or working environment of the individual or group.

2. Possession, distribution or use of weapons of any kind, including but not limited to firearms, BB or pellet guns, knives, bows and arrows, stun guns, paintball guns, and anything else that counts as a weapon as defined in the Weapons Policy.

3. Possession, distribution or use of any other items presenting an actual or potential threat to the safety and well-being of others (including combustible materials or other items in violation of the Fire Safety Code, available at http://www.safety.rochester.edu/homepages/fsu_homepage.html), or tampering with fire safety apparatus or operating it for any purpose other than its intended use.

4. Harassment and Discrimination
   (A) Sexual Misconduct:
      a. Sexual Harassment
      b. Sexual Violence
         i. Sexual Assault
         ii. Sexual Exploitation
         iii. Dating or Domestic Violence
         iv. Stalking
      c. Retaliation
      d. Aiding or Facilitating
   
   (B) All other forms of discrimination.

5. Any actions (whether on or off University premises) that relate to joining, or ongoing membership in, any group and that intentionally or recklessly create a situation that could reasonably be expected to cause physical or psychological discomfort, embarrassment, or degradation, regardless of a student's willingness to participate in the activity, as described in the University Hazing Policy.

6. Any alcohol-related violation of the University Alcohol and Other Drugs Policy (Alcohol and Other Drugs Policy).

7. Any (non-alcohol) drug-related violation of the University Alcohol and Other Drugs Policy (Alcohol and Other Drugs Policy). Note that hookahs are not permitted on campus without explicit approval and certification from the Center for Student Conflict Management.
8. Actual or Attempted: (a) theft of the property of the University or others, and/or (b) damage to the property of the University or others.

9. Unauthorized use or misuse of or entry into property or facilities.

10. Misuse of University computers and computing systems, including copyright infringement violations, as specified in the Computer Use Policies.

11. Fraud; misrepresentation; forgery; falsification or misuse of documents, records or identification cards; or intentionally providing incomplete information in connection with an investigation into alleged policy infractions.

12. Non-cooperation with any part of the process related to addressing student misconduct, including dishonesty or failure to comply with a directive of a conduct officer or body.

13. Failure to comply with any reasonable request of a University official acting within the scope of his or her duties.

14. Any act of intimidation or retaliation intended or likely to dissuade a reasonable person from making a complaint, furnishing information, or participating in a conduct process.

15. Complicity in misconduct. Students are expected to disengage themselves from all acts of misconduct, and are expected to report serious code violations to appropriate authorities.

16. Failure to take reasonable steps to prevent a guest from violating the code of conduct.

17. Behavior that negatively impacts the normal pursuit of academic, administrative, extracurricular or personal activities, or that violates any University policies or rules.

*   *   *
*Hookahs are frequently associated with drug use and are not permitted on campus without approval from the Center for Student Conflict Management. Students wishing to obtain approval must bring the hookah to 510 Wilson Commons during regular business hours. If approved, the student will be given a certificate, which must accompany the hookah at all times. Any unregistered hookahs are subject to confiscation by Public Safety and/or the University Fire Marshal’s Office. Students possessing unregistered hookahs will be documented for a possible policy violation.

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

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

- **Center for Student Conflict Management** – Arts, Sciences and Engineering; Warner Graduate School of Education; Simon School of Business; School of Medicine and Dentistry
- **Office of Student Life** – Eastman School of Music
- **School of Nursing** – Associate Dean for Education and Student Affairs
- **Department of Public Safety**

Any questions about policies and procedures may be directed either to the above offices or to:

- **Office of Residential Life** – River Campus (Directors, Associate Directors, Assistant Directors, Area Coordinators, Resident Directors, Graduate Head Residents, Community Advisors, Resident Advisors)
- **University Intercessor**

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

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

ORDER OF CONDUCT PROCESS

1. Initial Meeting(s): When a student is reported to have engaged in behavior that may be detrimental to the University community a conduct officer will reach out to the student and schedule an initial meeting. During this meeting the student will have the opportunity to read the report and share his/her perspective about what happened.
   a. Typically, during this meeting the conduct officer will work with the student to determine whether or not the student accepts responsibility for the possible policy violation. If the student accepts responsibility, the matter can be resolved at that time. If a student needs to participate in a formal conduct hearing, a pre-hearing conference meeting can be scheduled.
2. Pre-Hearing Conference Meeting: During a pre-hearing conference meeting the conduct officer meets with the respondent(s) and discusses the hearing process as outlined in the fundamental fairness section of this document on page 6.
3. Hearing: The purpose of a formal conduct hearing is to determine the truth about a respondent's alleged misconduct. Through an objective and fair process guided by the fundamental fairness standards below, a conduct officer or body (a) determines, based on the information gathered from all involved parties, whether or not a violation occurred and (b) recommends a response to the judicial officer if the respondent is found responsible.
4. Post-Hearing Meeting: After the hearing the judicial officer or his or her designee will communicate with the respondent to discuss the outcome of the hearing and share information about how to submit an appeal if one is warranted.

FUNDAMENTAL FAIRNESS IN HEARING PROCESS FOR NON-SEXUAL MISCONDUCT VIOLATIONS

A student will not be subject to official action for non-academic misconduct unless a. The student has had a conduct hearing; OR b. The student has waived the right to a hearing through a responsible option; OR c. The judicial officer has taken interim action (interim response pending a hearing); OR d. Discretionary responsibility for resolving the matter has been retained by the President or a delegate.
The fundamental fairness points outlined below apply to all students who will participate in a hearing to determine whether they have violated the standards of our community. Students who are alleged to have violated the standards of our community are referred to as "respondents" in our conduct hearing process. In many cases, the University is the only identifiable victim of an alleged offense, however, when the judicial officer identifies another student as a potential victim they are also afforded the rights outlined below.

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

1. All charges must be in writing and presented to the respondent and victim at the time of notification of the hearing.
2. Charges shall be reasonably specific as to the nature, time, and place of the alleged infraction.
3. The respondent and victim shall be informed of his or her rights in his or her preliminary meeting with the judicial officer.
4. The respondent and victim shall be afforded two (2) days to indicate a preference for which kind of hearing (e.g., administrative or student) he or she wishes to have. This two-day limit shall also be the term during which offers for a Responsible Option—if offered—shall be valid. Final determination of hearing type shall be made by the judicial officer.
5. The respondent and victim shall be afforded at least seven days' notice of the hearing in writing.
6. Hearings are normally scheduled within 7 to 14 business days after the hearing forum has been selected; however, the judicial officer may extend or shorten time lines to accommodate academic calendar or other extenuating circumstances.
7. The respondent and victim may indicate a preference for an open or closed hearing. (Open hearings can be attended by members of the University community, and information about the incident and hearing can be made available to members of the University community). In the absence of an indicated preference, hearings are closed. Final determination of whether a hearing will be an open or closed hearing shall be made by the judicial officer.
8. The respondent and victim shall have the right to be accompanied by an advisor who may confer with and assist the student but may not speak for him or her as an advocate. The advisor must be a member of the University community who is not an attorney. Names of recommended advisors who are well informed about conduct procedures are available from the Center for Student Conflict Management. Respondents and victims are strongly encouraged to choose an advisor knowledgeable in the conduct process.
9. Hearings are recorded. A recording of the hearing will be available in the event of an appeal, but remains the property of the University.
10. The respondent and victim shall have the opportunity to answer accusations and to submit the testimony of material witnesses on his or her own behalf. Witness statements, Public Safety 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 Public Safety reports, the text of statements made by the respondent and victim prior to the hearing and used at the hearing, and any physical evidence shall be presented in the presence of both respondent and victim; however, legal rules of evidence shall not apply.
12. Relevant reports, documents and other evidence may be reviewed by the respondent and victim in the Center for Student Conflict Management prior to the hearing. Copies of any such material may not, however, leave the office.
13. The respondent and victim shall have the opportunity to indirectly question (through the hearing teams/officers) all witnesses present during the hearing. This does not necessarily include the right to confront witnesses in person.
14. The respondent and victim will be given an opportunity to make statements which will become part of the case record to be reviewed by the judicial officer and by any dean or director considering an appeal.
15. The respondent and victim may/will participate in separate hearing rooms connected electronically (unless otherwise requested) in order to allow full participation of the parties.
16. Respondents and victims may be required to refrain from speaking publicly about the outcome of the hearing due to laws and University policies. In the event that such is necessary, the respondent and victim will be informed by the judicial officer.
17. The respondent and victim as well as 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 or she may not then provide a statement on his or her own behalf. Depending on all the information presented, a respondent who refuses to give testimony or answer questions may
18. The conduct board/officers shall determine by a majority vote whether it is more likely than not (i.e., by a preponderance of the evidence) that the respondent violated the standards of the University of Rochester community.

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

20. The respondent and victim have the right to appeal a final decision in a non-academic case to the appropriate dean/director.

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

**APPEALS**

**Grounds for Appeal**

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

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

**Process of Appeal**

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

**Effect of Appeal**

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

**BASIC RIGHTS AND EXPECTATION**

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

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

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

DIVISION OF JURISDICTION AND RESPONSIBILITY

A. Authority to hold students' accountable through the conduct system is vested in the president of the University by the University's bylaws. This authority has been delegated through the dean of the college and dean of students to the Director of the Center for Student Conflict Management, the judicial officer, in the Office of the Dean of Students for all non-academic conduct incidents involving both undergraduate and graduate students with a further delegation to conduct teams/officers. These conduct teams/officers determine whether an alleged violation of the standards of the University community occurred by the preponderance of the evidence. If the team/officer finds that a violation did occur it further determines the response which is most likely to benefit both the individual student and the larger University community. As the University official responsible for conduct, the judicial officer, or their designee, receives the recommendation of these conduct teams/officers on behalf of the University, accepts or modifies the recommendation, and formally implements University disciplinary action.

B. Jurisdiction over cases of academic misconduct involving undergraduate students has been delegated to the College Board on Academic Honesty which makes findings and submits recommendations to the dean of the appropriate college.

C. There is not always a clear distinction between academic and non-academic misconduct. The fundamental criterion for deciding whether a matter is academic or non-academic is whether the student was acting in a scholarly or professional capacity. When the incident involves a student acting in 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 non-academic. The available hearing procedures are not intended to be mutually exclusive: it is possible that a student could be subject to both academic and non-academic discipline for the same misconduct.

D. Discretionary responsibility for handling extreme cases, where such action is essential for maintaining the orderly processes of the University, is retained by the President or a delegate.

E. Other officers and agents of the University may promulgate rules and regulations applicable to students in particular situations independent of these procedures and guidelines. These officers and agencies shall report serious violations of such rules and regulations to the judicial officer.

Conduct Officers/Bodies

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

- **Residential Life Staff:** Residential Life Resident Directors, Area Coordinators, Assistant Directors, and Directors process most Responsible Options. These professional staff members resolve, whenever possible, alleged violations of policies by residents from their respective living areas. They are authorized to issue the full range of responses up to, but not including, suspension from the University.

- **Administrative Conduct Officer:** An administrative conduct officer—typically the judicial officer, the assistant director in the Center for Student Conflict Management, or a designee appointed by the judicial officer—may conduct disciplinary hearings without a board or council. Administrative conduct officers are authorized to issue the full range of University responses.

- **All Campus Judicial Council:** The ACJC is made up of student justices including a chief and associate chief. ACJC works in conjunction with, and is supported by, the Center for Student Conflict Management. This hearing

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1 For the purposes of this document “students” are any person or group who is or was in attendance during an academic period in which misconduct occurred or between academic periods for continuing students.
body has authority to issue the full range of University responses.

- **Administrative Conduct Board:** The administrative conduct board is normally chaired by a designee of the judicial officer but may be chaired by the judicial officer him/herself, and consists of three faculty or staff members of the University community. This conduct board is authorized to issue the full range of University responses. Hearing board members are selected by the judicial officer based on the needs for fairness, objectivity and balance in the resolution process. For alleged incidents of sexual assault, sexual harassment, racial harassment, and other illegal discrimination, hearing board members who have been specially trained to process such matters in a sensitive and appropriate manner are chosen.

**Responsible Option**

A student who may have violated the standards of our community may be able to accept responsibility for the policy violation without participating in a conduct hearing. Based on the nature and circumstances of the case, the judicial officer, in his or her sole discretion, can either serve as the conduct officer or refer the matter to another conduct officer or body (as described below) for resolution. If the respondent accepts responsibility, the respondent is required to notify the designated conduct officer that he or she plans to pursue this path within two (2) business days of their initial meeting. Failure to do so will result in a referral to the Center for Student Conflict Management. In all matters, the judicial officer has full discretion to arrange a hearing when he or she determines that process may be beneficial to the individual student or the larger University community.

**Referral to Restorative Circle**

In some circumstances students who have engaged in behavior that violates our policies and regulations may be given the option of participating in a restorative circle to resolve the incident at the discretion of the Director of the Center for Student Conflict Management. Students accused of sexual assault may not use a restorative circle to address the issue unless the circle follows a hearing on the issue.

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

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

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

**THE UNIVERSITY AND THE PUBLIC LAW**

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

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

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

**RESPONSES TO MISCONDUCT**

Creating a space that allows members of the University community to live and work in a safe and respectable environment is an important component of the conduct process. A major goal of the conduct process in particular and the University in general is to teach why something is wrong as well as to prevent its repetition. This goal is often difficult to carry out, but an effort is made to create a response that will best educate the student or group involved.
Common Responses
This list is by no means inclusive of all options open to conduct officers and boards in creating responses tailored to educate the involved students and repair harms caused to the community. In an effort to help offset the costs associated with administering programs and services associated with the disciplinary system, all students responsible for violating a policy will be charged a fee of $35. This fee will be placed on the student's term bill.

- **Disciplinary Warning**, including an official letter of reprimand to the student stating that his or her behavior is in violation of University policy and may not recur.
- **Community Restitution**, which may require individuals or groups to write a letter of apology, participate in a designated service project, or give an identified community (on or off campus) a number of service hours to be completed within a specified time period. When appropriate, the individual or group may be required to devise its own community restitution plan to be approved by the judicial officer or his/her designee.
- **Counseling Intervention**, which may be recommended, and in some cases required, when behavior indicates that the counseling may be beneficial to the student. Specific circumstances will determine an appropriate mental health service referral, which may include drug, alcohol, and other educational workshops. Such mandated interventions may be at the student's cost.
- **Financial Restitution**, which may require individuals or groups to restore or replace within a specified time, property which has been damaged, defaced, lost, or stolen.
- **Revocation or Restriction of Privileges**, for the use of designated University facilities or programs.
- **Disciplinary Probation**, which consists of an official notice that further violation of University policy will result in serious consideration being given that the individual or group not be permitted to continue as a student or group at the University of Rochester. This is a serious warning which serves as a check on the student's or group's future behavior. Once a student or group is on probation, any further disciplinary action will be more severe. Probation is given for a period of time and can limit the activities or privileges of a student or group. For example, students on probation are not able to join a fraternity or sorority nor are they permitted to study abroad.

Groups that are placed on probation may be placed in one of two probationary categories:
- **Social Probation**: A group on social probation is not permitted to hold functions/gatherings where alcohol is present.
- **Formal Disciplinary Probation**: A group on formal disciplinary probation is not permitted to hold any functions or gatherings, including those gatherings that only involve its members.

- **Deferred Removal from University Housing**, which means that any violations of the standards of student conduct committed by the student during the deferred removal period will result in the student being immediately removed from housing and banned from the campus residential areas.
- **Deferred Suspension**, which means any violations of the standards of student conduct committed by the student during the deferred suspension period will result in the student being immediately separated from the University of Rochester.
- **Suspension from University Housing**, which involves revocation of the privilege of living in University housing for a certain period of time. Students or groups who have their housing contracts or leases terminated for conduct reasons are not entitled to a reimbursement.
- **Suspension**, which generally involves the revocation of the privilege of attending the University and using its facilities for a typical period of one year. Conditions for re-entry may be specified and every student needs to apply for readmission.
- **Expulsion**, which means the student is permanently separated from the University. He or she may not apply for readmission to any program.

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

Once a response is issued, it is the responsibility of the student to ensure that the response is completed in a timely fashion. Failure to complete an assigned response will result in an additional charge, and will be handled administratively by the judicial officer or his/her designee. Students failing to complete conduct responses normally have their student accounts placed on hold (making them unable to register for classes or receive transcripts) until such response is completed.
COMMON RESPONSES BY POLICY VIOLATION
The responses listed below are used as a guide to demonstrate the expected consequences from typical cases involving the specific charge alone and without mitigating circumstances. In all cases, conduct officers and boards are expected to use discretion and good judgment, and are in no way bound by these recommendations.

- **Alcohol and Other Drug Offenses:** Please see common responses to violations of the Alcohol & Other Drugs Policy on page 15.
- **Computer Misuse:** Typical responses range from a warning to loss of computer privileges as well as monetary fees.
- **Disorderly Conduct:** Typical responses range from letter of apology to expulsion from the University. Students who are physically violent towards another person should expect to be suspended from the University for at least one academic year.
- **Failure to Comply:** Typical responses range from a letter of apology to removal from residence.
- **Providing False, Misleading, or Incomplete Information:** Typical response ranges from a letter of apology to removal from residence.
- **Fire Safety:** Responses vary widely depending on the nature of the violation, but generally include at least one academic year of disciplinary probation and can result in expulsion from the University. If a student is found to be tampering with a fire safety device (i.e. smoke detector), that student will be placed on deferred removal from residence for the remainder of their time at the University. Any subsequent fire safety violations will result in the student being removed from his or her residence and being prohibited from entering all campus housing. If the student violates a different University policy while being on deferred removal, the outcome may result in the student being immediately removed from University housing and banned from campus residential areas. Students found to be in possession of candles in residential areas may be fined; this fine begins at $50 and may increase per violation.
- **Harassment:** Typical responses range from a period of disciplinary probation to suspension from the University.
- **Hazing:** Typical responses range from a period of disciplinary probation and educational assignment to expulsion from the University.
- **Vandalism and Damage:** Typical responses range from a period of disciplinary probation and restitution fines to removal from residence.
- **Sexual Harassment and Assault:** Typical responses for harassment range from disciplinary probation, active avoidance orders, prohibition from various areas and events, and educational assignment to expulsion from the University. Students responsible for assaulting another person should expect to be suspended from the University for at least one academic year.
- **Theft or Attempted Theft:** Typical responses range from disciplinary probation and restitution to suspension from the University.
- **Trespassing/Misuse of University Property or Facilities:** Typical responses range from a letter or apology to removal from residence.

CONDUCT RECORDS

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

University departments may wish to obtain information about a student’s Disciplinary Status or Conduct History in connection with employment or selection for prizes and awards. Regardless of the type of information sought, University departments must notify the student before seeking the information. ²

Disciplinary Status vs. Conduct History

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

Notifying or obtaining authorization from students

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

Question or Concerns

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

INTERIM ACTIONS AND OTHER RESTRICTIONS

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

- **Interim Suspension—Individual**: If a student's presence on campus poses a perceived or immediate threat to his 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. Interim Suspension restrictions may also be employed during any appeal process or post-hearing reviews.

- **Interim Action—Groups/Organizations**: Groups and organizations allegedly violating the Standards of Student Conduct or judged to be a perceived or immediate threat to the physical or emotional safety and well-being of one or more individuals, the preservation of University or others' property, or safety and order on University premises, may be subject to interim responses pending judicial or other means for resolution. Actions include, but are not limited to, Interim Social Probation (cancellation of the privilege to hold functions/gatherings in which alcohol is present) and Interim Suspension (cancellation of the privilege to hold any kind of function/gathering). Additional restrictions may be applied at the discretion of the University.

- **Active Avoidance Order**: If a student's presence on campus poses a perceived or immediate threat to a University community member's physical or emotional safety and well-being and/or sense of personal safety and security, the University can issue an Active Avoidance Order. The goal of this action is to diffuse difficult situations by imposing restrictions that require one person to actively avoid another in all situations. For more information regarding the Active Avoidance Policy please see page 14.

² Nothing in this document is intended to limit any University official’s ability to access conduct information to protect health and safety or to enforce laws or University policies, with or without notice to the student.
POLICIES & PROCEDURES

ACADEMIC MISCONDUCT
Please review the University's academic honesty policy by visiting:
http://www.rochester.edu/college/ccas/AdviserHandbook/AcadHonesty.html

ACTIVE AVOIDANCE POLICY

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

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

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

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

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

A. Activities related to the performance of academic duties, e.g., attending classes, conducting research for a course, membership on committees or student groups, graduation exercises, etc.

B. Use of common University facilities, e.g., Wilson Commons, dining facilities, parking areas, libraries, computing facilities, copy centers, access to health care facilities, etc.

C. Voluntary or optional use of University facilities not related to academic performance, e.g., athletic facilities, attendance at sporting events, public events such as (non-required) lectures, concerts, or rallies, etc.

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

It is the accused party's primary responsibility to initiate leaving the area should both parties find themselves occupying the same space. This responsibility remains in effect unless leaving an area would constitute interference with the accused party's ability to fulfill his or her academic or work responsibilities.
The following guidelines may be used as examples of instances when contact may potentially occur and the accused would be responsible for initiating an appropriate response. This list is not exhaustive or intended to limit application of this policy to other situations not described here:

A. In all instances that involve an inadvertent one-to-one encounter (e.g., in the parking lots, in a hallway or stairwell, walking to or from one area to another), the accused is instructed to leave the area immediately.

B. In instances in which attendance at an event or function which involves a group of people is required by both parties (e.g., a required seminar or workshop, etc.), the accused is instructed to delay entry to that area for as long as possible. If both parties must attend the same event or function, the accused must take steps to avoid contact with the other party, such as positioning him or herself far away and not in the other party's direct line of vision.

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

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

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

ALCOHOL AND OTHER DRUGS POLICY
Introduction
The University of Rochester Alcohol and Other Drug Policy has been adopted to help students comply with federal, state and local laws regulating the possession, consumption and service of alcoholic beverages and possession/use of illegal drugs. (See the chart at the end of this policy for a list of federal, state, and local laws regarding alcohol and other drugs). All students, student groups and organizations, and guests are required to abide by the local, state and federal laws and ordinances, as well as University regulations and conduct standards (including this policy) governing consumption of alcohol and control of illicit drugs. Those who choose to engage in the use of alcohol or other drugs in violation of the law or University policy will be held accountable for their actions and subject to the full range of institutional responses and other disciplinary measures, up to and including expulsion. Discipline for violations of this policy will be imposed pursuant to the disciplinary process explained within.

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

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

Alcohol
Underage Purchase, Consumption, or Possession:
• The purchase, consumption, or possession with the intent to consume by any individual under the age of 21.

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

Possession/Use of False Identification:
• The possession or use of false, fraudulent, or altered identification or the use of another's identification for the purpose of obtaining alcohol.

Open Containers (i.e., any receptacle containing alcohol, which is open in such a way as to permit direct consumption of the contents):
• Possession of an open container of alcohol anywhere on-campus, except (1) in a residence hall private living space, which includes common areas within suites, (2) in a fraternity or special interest house, and (3) in an area
designated, through the event/function registration process, as a place where alcohol consumption is permitted.

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

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

**Rapid Consumption**:

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

**Public Intoxication**:

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

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

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

**Sale/Advertising of Alcohol**:

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

**Other Events/Functions**:

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

**Freshman Areas**:

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

**Drugs**

**Distributing/Trafficking**:

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

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

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

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

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

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

Medical Amnesty
If you are concerned about your or another student's health and safety due to the use of alcohol or other drugs and call the Department of Public Safety for assistance neither you, nor the person you are calling about will get in trouble for violating the alcohol and other drugs policy. Students will be expected to meet with a staff member to discuss the incident and may be requested to participate in educational opportunities related to the incident to help the student make safer choices regarding the use of substances in the future.

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

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

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3 Any costs associated with such programs are the responsibility of the student.
FEDERAL, STATE & LOCAL LAWS REGARDING ALCOHOL & OTHER DRUGS

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

<table>
<thead>
<tr>
<th>LAW</th>
<th>DESCRIPTION</th>
<th>PENALTIES FOR 1ST OFFENSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Drinking Age Law</td>
<td>It is illegal for individuals under the age of 21 to purchase or possess alcoholic beverages with the intent to consume such beverages.</td>
<td>Fine not exceeding fifty dollars, completion of an alcohol awareness program, and up to thirty hours of community service.</td>
</tr>
<tr>
<td>Procurement of Alcohol &amp; Serving of Alcohol for Underage Persons</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>False Identification Laws</td>
<td>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.</td>
<td>Fines of not more than $100, community service, and completion of an alcohol awareness program.</td>
</tr>
<tr>
<td>Open Container/Public Consumption Law</td>
<td>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.</td>
<td>$250 fine for first-time violations.</td>
</tr>
<tr>
<td>Driving While Intoxicated (DWI)</td>
<td>A BAC (blood alcohol concentration) of .08 or higher, or other evidence of intoxication.</td>
<td>Fines of up to $1000, driving license revoked for at least six months, and up to one year jail time.</td>
</tr>
<tr>
<td>Driving While Ability Impaired (DWAI)</td>
<td>A BAC of more than .05 but less than .08 BAC, or other evidence of impairment.</td>
<td>Fine of $500, revocation of license for 90 days, and up to 15 days of jail time.</td>
</tr>
<tr>
<td>Zero Tolerance Law</td>
<td>Drivers under the age of 21 who are found to be driving with any alcohol in their system (.02 to .07 BAC) may be charged.</td>
<td>Fine of $225 and a six-month license suspension.</td>
</tr>
<tr>
<td>Illegal Use, Possession, &amp; Distribution of Drugs Law</td>
<td>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.</td>
<td>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 5 and ½ years in prison.</td>
</tr>
<tr>
<td>General Obligations Law</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>
EVENT/FUNCTION REGISTRATION

An event that meets any one or more of the following criteria would warrant event registration:

1. Any on campus event at which attendance will exceed 100 people.
2. Any on campus event that requires significant University resources, (e.g., services supplied by Facilities, Event Support, Public Safety). For example, concerts, speakers, etc. This includes events that will be held in the following spaces: Upper Strong, Lower Strong, Spurrier Dance Studio, Douglass Dining Hall, Wilson Commons Hirst Lounge, and Wilson Commons May Room.
3. All on or off-campus events/functions that involve alcohol and meet any one or more of the following three criteria below must be registered through the event registration process:
   a. More than 75 people are expected to be present at any one time, OR
   b. Use of a common container of alcohol or distilled spirits by a licensed third party vendor is requested. (Use of common containers of alcohol or distilled spirits, other than that by a licensed third party vendor, is prohibited at all events/functions.) OR
   c. The event is organized by University of Rochester students and is advertised or promoted to University of Rochester students in any manner, including advertisement and/or promotion through online social networks.
4. Any event, on- or off-campus, at which money will be collected (including but not limited to events with tickets, fundraisers, and raffles).
5. Any on campus conference hosted by a student group.
6. Any on campus event at which more than 20% of the audience and/or participants is expected to be non-U of R community members (conferences included).
7. Any on campus event that involves working with a non-U of R organization, such as co-sponsors or guests.
8. Any programs, on- or off-campus, involving minors and children (not including University students who are minors).

You must meet with your staff adviser, (staff in Wilson Commons Student Activities, Fraternity & Sorority Affairs, the Chapel, or Residential Life) to begin the event registration process. Please see http://www.rochester.edu/college/wcsa/events/Event%20Registration.html for information regarding how to register your event.

RESOURCES FOR EDUCATION, COUNSELING & TREATMENT

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

Office of the Dean of Students
Policy administration, adjudication & resolution of violations, resources for alcohol and other drug related concerns, event registration
River Campus: 585-275-4085
Eastman School of Music: 585-274-1200

University Health Service
Primary care visits with physicians, nurse practitioners, and registered nurses for any health concern Medical Center Office: 585-275-2662
River Campus Office: 585-275-2161
Eastman School Office: 585-274-1230
Health Promotion Unit: 585-273-5775 (Educational workshops/information)

University Counseling Center
Individual, couples, and group counseling
585-275-3113
ATHLETICS CODE OF CONDUCT STATEMENT
Students who participate in a University of Rochester Athletics program are expected to adhere to the University of Rochester Standards of Student Conduct and may be expected to adhere to additional codes of conduct as prescribed by their team and/or coach. For more information on these additional codes of conduct, contact your coach.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For more information on these additional standards please visit the Fraternity and Sorority Affairs website located at http://www.rochester.edu/college/ofsa/ or contact Fraternity and Sorority Affairs at (585) 275-3167.
GROUP RESPONSIBILITY POLICY
A student organization may be held accountable for a violation of University policy committed by an individual, whether or not the individual is a member of the organized group, if the group, or a substantial segment of it, authorizes, directs, or encourages the violation, or with reckless indifference does not make reasonable use of the group's own influence and authority to prevent it. Violations occurring within a group's living space, during or because of a group's function, or utilizing a group's resources are all indications of responsibility for that group. As with any responsible organization, groups are expected to actively prevent violations if there is sufficient reason to believe they are about to be committed, to intervene in violations when they become aware of them, and to react responsibly to violations when the group has become aware of the fact that they have occurred. Additionally, failure to provide truthful and complete information about misconduct—including both violations of law and policy—can result in charges against the group itself for such violations.

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

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

HARASSMENT AND DISCRIMINATION
If you are looking for information about harassment or discrimination based on sex or gender and the person accused is a student, please refer to the Sexual Misconduct policy found on page 27.

If you are looking for information about harassment or discrimination based on sex or gender and the person accused is a faculty, staff, visitor, or patient please refer to University Policy 106.

Definitions:

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

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

B. Harassment
Harassment is (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, 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, 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.
IN Voluntary 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 who disrupt, or threaten to disrupt, the activities of the University community for reasons that are not necessarily best addressed through disciplinary action, may be required to take a leave of absence from the University. Under these circumstances, students will be given the opportunity to take a voluntary leave. If a student declines to take a voluntary leave, the University may determine that the student’s welfare, or the needs of the community, requires a period of involuntary leave. The following policy establishes the protocol under which an involuntary leave of absence may occur and the process for return from such a leave.

Guidelines

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

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

Withdrawal Process

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

The student will be notified that the Dean of Students (or designee) is seeking to determine whether he/she should be required to take a leave of absence. 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 review the available information make a decision that may include the following:

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

If the Dean 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 School in which the student is enrolled. For undergraduate students further information about the withdrawal process, tuition refund implications of the withdrawal (if any), and applications for readmission are available from the College Center for Advising Services at (585) 275-2354.

The student shall be informed in writing by the Dean 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.

Appeal Process

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

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 submit a letter to the Dean of Students requesting to return to the University. 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 determine whether other behaviors or events during leave render return advisable, and to advise other University offices accordingly.
Appropriate administrative duties with respect to commencing this leave process and maintaining its records will be the responsibility of the Office of the Dean of Students.

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

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

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

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

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

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

**PARKING POLICIES**
Please review all Parking Services policies by visiting: [http://rochester.edu/parking/](http://rochester.edu/parking/).

**RESIDENTIAL LIFE AND DINING SERVICES POLICIES**
Please review all Residential Life and Dining Services policies contained in the Residential Life and Dining Services contract located at [http://rochester.edu/reslife/freshmen/housing-contract/pdf.html](http://rochester.edu/reslife/freshmen/housing-contract/pdf.html) for freshman and [http://rochester.edu/reslife/upperclass/contract.html](http://rochester.edu/reslife/upperclass/contract.html) for upperclassman.


**STUDY ABROAD CODE OF CONDUCT STATEMENT**
Students should be aware that an expanded code of conduct exists for those participating in study abroad programs. Please review all policies by visiting: [http://www.rochester.edu/college/abroad/predeparture/safety.html](http://www.rochester.edu/college/abroad/predeparture/safety.html).

**UNIVERSITY SMOKING POLICY**
Smoking is not permitted in the interior of any area of any University building, including all residence halls. Smoking is prohibited within 30 feet of any University of Rochester building.
INFORMATION TECHNOLOGY POLICIES

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

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

RESIDENTIAL COMPUTING NETWORK (ResNet)

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

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

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

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

- Loss of access privileges
- University conduct responses as prescribed by student, faculty or staff behavioral codes
- Monetary reimbursement to the University or other appropriate sources
- Prosecution under applicable civil or criminal laws
Further information on the ResNet Acceptable Use Policy or to report problems or violations, you can contact Residential Life, the Center for Student Conflict Management, or the University Computing Center.

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

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

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

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

Copyright infringement can result in University action separate from the legal ramifications above. University action may include, but not be limited to, any one or more of the following:
- Termination of user privileges
- Disciplinary Probation
- Community Restitution
- Fines
- Suspension or Expulsion from the University of Rochester

LEGAL MUSIC AND MOVIE SITES
*The following music and movie sites provide links to legal music and movies:*

**Music**

**Videos**
http://www.mpaa.org/

All links are included in the University of Rochester Copyright and File Sharing web site located at:
http://www.rochester.edu/it/security/yourself/file-sharing.html
STUDENT SEXUAL MISCONDUCT POLICY

Introduction
Sexual misconduct, including sexual assault and other forms of discrimination on the basis of sex, is unacceptable behavior and is subject to discipline by the University of Rochester. The University of Rochester takes all complaints of this nature very seriously. This Policy provides information about the rights of, and the resources available to support, individuals who believe that a University of Rochester student has engaged in sexual misconduct.

Morgan Levy, Director of Equal Opportunity Compliance, serves as the University’s Title IX Coordinator. Ms. Levy oversees and provides leadership for the staff members who carry out investigations, compliance-related responsibilities and reporting of sexual misconduct. In addition to Ms. Levy, deputy Title IX Coordinators have been designated in each of the schools of the University. Any student, applicant, faculty or staff member who has concerns about sexual misconduct is encouraged to seek the assistance of Ms. Levy or a school’s Deputy Title IX Coordinator. Ms. Levy can be reached by phone at 585.275.7814 or email at morgan.levy@rochester.edu. Please see the Appendix for contact information for each of the Deputy Title IX Coordinators.

Students, faculty, staff members, visitors and others who believe that a University of Rochester student has committed sexual misconduct are encouraged to report the incident to University Public Safety or another responsible employee. After a report is made to a responsible employee, he or she reports it to the Title IX coordinator. The victim is offered support in such areas as obtaining medical care or counseling and assistance with making a police report if desired. The University may also take interim steps to protect the student, which can include removing the accused student from campus or other actions deemed appropriate under the circumstances. A disciplinary action may follow, which would involve an administrative hearing on campus. More specific information about the response to reports of sexual misconduct can be found below.

This policy prohibits discrimination based on sex, sexual orientation, and gender identity or expression in compliance with Title IX of the Education Amendments of 1972 and other laws and policies. Examples of discrimination on the basis of sex include sexual harassment, pregnancy discrimination, sexual assault, dating and domestic violence and, when based on sex, stalking. Retaliation for complaining about sex discrimination or participating in an investigation or a hearing involving a complaint of sex discrimination is also prohibited. Clear definitions of behaviors prohibited by this policy are included in Section I, below.

It is important to note that the University’s procedure for promptly and equitably addressing complaints of discrimination based on sex is different than the procedure for handling complaints about other types of behavior prohibited by the Standards of Student Conduct. This policy outlines the procedures for complaints about sex discrimination by a student; complaints about sex discrimination by faculty or staff members are addressed through the procedures described in Human Resources Policy 106.

The University may investigate and respond (in accordance with this policy) to complaints of sexual misconduct by students that are reported to have occurred either on or off campus.

Some of the prohibited behaviors described in this policy are also violations of criminal law. When the University responds to a complaint under this policy it investigates and, if appropriate, issues sanctions using the standards described in this policy. There are significant differences between the standards for findings of a violation of this policy and the standards required for a determination of guilt under criminal law.

Definitions
A. Sexual Harassment is (1) any unwanted verbal, written, electronic or physical conduct, of a sexual nature (2) that is intended to cause or could reasonably be expected to cause an individual or group to feel intimidated, demeaned, abused or fearful or have concern for their personal safety (3) because of their sex, sexual orientation, or gender

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4 A list of responsible employees is included below on page 30.
5 Stalking unrelated to sex is also prohibited by University policy. Allegations of such behavior will be adjudicated through the appropriate student conduct process.
identity or expression or because of their perceived or actual affiliation or association with individuals or groups identified by such characteristics. Sexual harassment prohibited under this policy can be classified as either hostile environment sexual harassment or quid pro quo sexual harassment.

- **Hostile Environment Harassment:** A hostile environment based on sex, sexual orientation, or gender identity or expression exists when the conduct:
  
  - is sufficiently *severe or pervasive* (meaning that the conduct is either of an extraordinarily severe or egregious nature or has been repeated with sufficient frequency or continually); in other words, typically a single offense or occasional, episodic instances of offensive behavior will not qualify as sufficiently severe or pervasive, but a single egregious offense (e.g., sexual assault) would, and
  
  - objectively and subjectively has the effect of
    - unreasonably interfering with an individual’s work or equal access to education or
    - creating an intimidating, intolerable, or offensive work or academic environment.

Mere offensiveness is not enough to create a hostile environment. In determining whether harassment has created a hostile environment, the University will consider not only whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as violating this policy. Also, the following factors will be considered:

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

- **Quid Pro Quo Harassment:** Quid Pro Quo harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity:
  
  - are conditioned upon, either explicitly or implicitly submission to unwelcome sexual advances or requests for sexual favors, or
  - such submission is a factor in decisions affecting that individual’s employment, education, living environment, or participation in a University program or activity.

Sexual harassment can take many forms:

- It can occur between equals (e.g., student to student) or between persons of unequal power status (e.g., student leader to first-year student). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g., student harassing faculty member).
- It can be committed by an individual or may be a result of the collective actions of an organization or group.
- It can be committed against an individual, an organization or a group.
- It can be committed by an acquaintance, a stranger, or someone with whom one has a personal, intimate or sexual relationship.
- It can occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- It does NOT have to include intent to harm, be directed towards a specific individual, or involve repeated incidents.

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 individuals 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 in person or by electronic means;
- Dating or domestic violence;
- Sexual assault.

For a more detailed list of examples, please see appendix B.

- **Sexual Violence** is a type of sexual harassment. It includes sexual assault, sexual exploitation, dating or domestic violence, and stalking when committed on the basis of sex.

- **Sexual Assault** means an actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:
  - Involvement in any sexual contact when the victim is unable to consent.
  - Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person’s intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
  - Sexual intercourse without consent, including acts commonly referred to as “rape.”

Sexual assault includes sexual contact with a person who is unable to consent, either due to age (under 17) or incapacitation (e.g. as a result of intoxication or the influence of other drugs).

- **Incapacitation** is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring.

The relevant standard that will be applied is whether the individual(s) knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

Individuals are incapacitated if they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond mere drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. Individuals may experience a blackout state in which they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication.

- **Consent** is informed, freely given, and mutual. If coercion, intimidation, threats, physical force, duress or deception are used upon the victim there is no consent. If a person is incapacitated they cannot give consent. (See “incapacitation”, above). Silence does not constitute consent. Relying solely upon non-verbal communication can lead to miscommunication. It is important not to make assumptions and if confusion or ambiguity on the issue of consent arises anytime during the sexual interaction it is essential that each person stops and clarifies, verbally, willingness to continue. Past consent to sexual activities does not imply present or ongoing future consent. Whether an individual has taken advantage of a position of influence over another individual may be a factor in determining consent. According to New York State law in order to give effective consent, one must be at least 17 years old.

- **Sexual Exploitation** occurs when a person takes non-consensual, sexual advantage of another for one’s benefit or the benefit of another party.

- **Dating or Domestic Violence** is abuse or violence by a person against another with whom the person is or was engaged in an intimate, romantic or family relationship, which causes or could reasonably be expected to cause significant physical, emotional, or psychological harm. Dating or Domestic Violence includes
  - Battering that causes bodily injury;
  - Purposefully or knowingly causing reasonable fear of bodily injury;
  - Emotional abuse creating fear of bodily injury or property damage;
  - Repeated communication through any means —anonymously or directly— made with the intent to intimidate, terrify, or threaten.
• **Stalking** is conduct directed at a specific person that would cause a reasonable person to fear harm to his or her health or safety, or that of a person he or she is close to, such as a friend or family member. Stalking, when committed on the basis of sex is a form of sexual harassment.
  - Stalking behaviors can include but are not limited to the following:
    a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, texts, written letters, gifts, or other communications that are undesired by the recipient;
    b. Pursuing, following, waiting or showing up uninvited at or near a residence, workplace, classroom, or other place frequented by the victim;
    c. Surveillance, including by the use of technology, or other type of observation, including staring or “peeping”;
    d. Gathering information about an individual from friends, family co-workers, or devices

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

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

• **Guests.** Students’ failure to take reasonable steps to prevent their guests from violating the code of conduct may result in those students being charged for a violation of this Sexual Misconduct Code.

**Reporting Statement**

The University can only act to prevent unlawful discrimination, harassment and retaliation from reoccurring in the future if it is made aware of such conduct. All members of the University community are encouraged to report any instances or claims of sexual harassment, including claims of sexual violence or retaliation to the Title IX Coordinator. Responsible Employees who receive or learn of reports or concerns of discrimination, harassment or retaliation as defined within this policy must promptly (as soon as practical and no later than 48 hours) report to the University Title IX Coordinator. The term “Responsible Employee” refers to those employees who have a role that gives them the authority to address and/or remedy gender-based discrimination and harassment.

Responsible Employees at the University of Rochester include professional and student staff members in the Office of Residential Life, including resident advisors (RAs), community assistants (CAs), graduate head residents (GHRs), graduate community assistants (GCAs) and graduate housing assistants (GHAs). Other Responsible Employees include University Public Safety, the professional staff members in student life offices in each of the University’s schools, and the Deputy Title IX Coordinators at each school and within the Department of Athletics.

When such reports of sexual misconduct are received by Responsible Employees on behalf of the University they are treated confidentially to the greatest extent possible and permitted by law.

As a community, we believe it is imperative that students are able to access support services offered by the University even if they do not wish to report the incident to the University. Students who wish to access University support services without making a report to the University can contact the University Health Services, University Counseling Center, and University Chaplains. The staff members in these offices are not required to report the details of an incident to the Title IX Coordinator, however, they are asked to submit a proxy report with information regarding the date, time and location of the incident as well as the type of conduct that occurred. The proxy report does not need to include any personally identifiable information regarding the individuals involved in the incident.
If you or someone you know experiences sexual misconduct

The University of Rochester is committed to supporting students who believe they have experienced sexual harassment, sexual assault, domestic/dating violence or stalking. The University encourages such individuals to report the incident so steps can be taken to prevent such conduct from occurring again. If you or someone you know has experienced sexual misconduct the following options are available. You can:

- **Meet with the University Title IX Coordinator or the Deputy Title IX Coordinator in your school to discuss the support services available to you and your options for filing a report.** The University Title IX Coordinator is Morgan Levy. Ms. Levy can be reached by calling 585-275-7814 or via e-mail at morgan.levy@rochester.edu. Please see appendix A for a list of the Deputy Title IX Coordinators at each school.

- **Make a formal report to University Department of Public Safety (DPS) (585-275-3333):** DPS can help you file a formal report to the University about the incident. DPS can also assist you in making a report to the appropriate legal authority (Rochester Police, Monroe County Sheriff’s Office, etc.) You can choose to simultaneously report the incident to the University and the appropriate law enforcement agency for investigation and response. You can also choose to only report the incident to local law enforcement or only report the incident to the University. If you choose to make a report to the University, DPS investigators will conduct an investigation, as appropriate and under the direction of the Office of the Dean of Student on the River Campus (ODOS). The ODOS is responsible for adjudicating all cases of sexual misconduct at the University. If they haven’t done so already, staff members from ODOS will then connect with you to discuss your options, including steps in the conduct process, resources available to support you, and the planned process for moving forward. Some things the University may be able to help arrange are (in no particular order):
  - **Issuing Active Avoidance Orders:** If a student's presence on campus poses a perceived, immediate threat to your physical or emotional safety and well-being and/or sense of personal safety and security, the University can issue an Active Avoidance Order (AAO). AAOs are always issued to all involved parties, with the goal of defusing the situation by imposing restrictions that require all parties to actively avoid each other in all situations. This prevents communication between parties and stays in place indefinitely, or until a time when all parties, and the University, agree to void the order.
  - **Helping Coordinate Alternative Housing, Transportation, and Classes:** The University will discuss alternative housing, transportation to and from campus, and classes when that support is appropriate.
  - **Taking Interim Measures:** The University can determine whether interim measures need to be taken to arrange alternative on campus housing or class schedules or remove the student(s) from campus and/or classes or before a hearing can occur.
  - **Coordinating an Administrative Hearing:** When appropriate, the ODOS will call for the complaint to be resolved through the administrative hearing process. See below for more information about this process.
  - **Filing a report with the appropriate police department:** DPS can help connect you to the appropriate law enforcement agency if you wish to report the incident to the police. Calling 911to directly connect to local police is an option as well. The police officers who respond may take a report and explain possible legal options including temporary and permanent orders of protections. You can choose to simultaneously report the incident to the University and the appropriate law enforcement agency for investigation and response.

- **Have medical needs attended to at Strong Memorial Hospital (601 Elmwood Avenue) or another local hospital:** Students can utilize the hospital for medical attention. DPS can provide transportation.

- **Contact RESTORE (585-546-2777 or http://www.plannedparenthood.org/ppcwny/restore-42481):** RESTORE provides a 24-hour confidential hotline as well as advocacy support. RESTORE is not affiliated with the University of Rochester and reports made to RESTORE will not be shared with the University without your consent.

- **Connect with a counselor at the University Counseling Center (585-275-3113):** University Counseling Center (UCC) can help provide mental health support during a difficult situation 24
hours a day with their on-call counselor and appointments are also available. Reports made to UCC or UHS are confidential.

- **File a proxy report**: If you wish to make a report about the incident to the University without including your name or personally identifiable information you may file a proxy report. Proxy reports are used to gather information about the date, type and location of an incident when the student who experienced the incident does not wish to disclose his or her identity and/or participate in the investigatory process. [http://www.publicsafety.rochester.edu/images/ProxyReport.pdf](http://www.publicsafety.rochester.edu/images/ProxyReport.pdf)

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

### Student Conduct Process

The University’s judicial officer, who works within the ODOS, is responsible for adjudicating complaints of sexual misconduct by students. The judicial officer may designate another staff member within the ODOS to perform the duties of the judicial officer at any time.

The judicial officer determines whether or not an administrative hearing is an appropriate response to the complaint after reviewing the investigative reports prepared by DPS, conferring with the Title IX Coordinator and/or speaking with all parties involved. Upon this review the judicial officer decides whether or not there is sufficient cause to initiate the conduct process or pursue alternative means for resolution. The judicial officer may:

A. Dismiss the complaint;
B. Decide that the complaint can be processed through informal means of resolution, such as mediation. NOTE: mediation or other informal dispute resolution processes are not available in those cases where the allegation includes sexual violence, including sexual assault, dating violence or domestic violence; or
C. Decide that the complaint contains reasonable grounds to believe that the University’s policies, rules, or regulations have been violated and charge the student, on behalf of the University, accordingly. If this action is taken, the process is explained below.

### Order of Conduct Process

**Timeline for process**: When a DPS report is filed and a student requests that the University investigate and respond to the report, the judicial officer requests a meeting with the involved students within two business days. If the incident requires further investigation by DPS, the investigation is normally completed within two weeks of the initial report date, although in some circumstances the investigation may take longer. If an administrative hearing is necessary, students receive two weeks advanced notice of the hearing date. The total expected timeline from time of report to outcome is typically 4 weeks but the process may take longer to complete.

If a report has been filed with an outside police agency, the University will generally continue to investigate and if appropriate conduct a hearing pursuant to the guidelines in this policy without regard to the timing or progress of the criminal proceeding.

In the conduct process, students who are alleged to have violated the sexual misconduct policy are referred to as "respondents” and students who have reported that they have been victim of behavior that violates the sexual misconduct code are referred to as “declarants”.

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6 Reports of incidents that give rise to concerns about professional misconduct among medical and nursing students will be investigated and responded to by the University due to professionalism standards in those academic programs.
1. **Initial Meeting(s):** When a student is reported to have engaged in behavior that violates this code of conduct, the judicial officer reaches out to the student and schedules an initial meeting. During this meeting the student has the opportunity to read available reports and share his/her perspective about what happened.

   a. During this meeting the judicial officer may work with the student to determine whether or not the student accepts responsibility for the possible policy violation. If the student accepts responsibility, and the victim agrees to resolve the issue without a hearing, the complaint can be resolved at that time. If a student needs to participate in a formal conduct hearing, a pre-hearing conference meeting can be scheduled.

2. **Pre-Hearing Conference Meeting(s):** The judicial officer meets with each of the students separately to provide and explain the hearing notification letter which outlines the charges to be addressed in the hearing and to discuss the date, time and location of the hearing. The hearing date is generally no less than 2 weeks from the issuance of this notification letter. During this meeting the judicial officer also explains the hearing process in detail, answers any questions and provides access to the investigative reports prepared by DPS for the process. The judicial officer also explains deadlines for submitting evidence and names of potential witnesses (typically this information is due one week prior to the hearing). Please note that character witnesses are not permitted in hearings.

   During this meeting students are also encouraged to find a trained advisor who can sit with and assist the student during the hearing process. Advisors are not permitted to speak during the hearing process and must be members of the University community. The advisor may not be an attorney. The judicial officer can assist the students in finding an advisor, should they need such assistance.

3. **Hearing:** Sexual misconduct hearings are held in private conference room spaces on campus and are conducted by three specially trained University administrators. Through an objective and fair process guided by the fundamental fairness standards below, the hearing board (a) determines whether, based on a preponderance of evidence (whether it is more likely than not) a violation occurred and (b) recommends a sanction to the judicial officer if the respondent is found responsible.

4. **Post Hearing Meeting:** After the hearing the judicial officer will communicate with the respondent and declarant to discuss the outcome of the hearing and share information about how to submit an appeal if one is warranted.

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**FUNDAMENTAL FAIRNESS IN HEARING PROCESS FOR SEXUAL MISCONDUCT VIOLATIONS**

The fundamental fairness points outlined below apply to all students who participate in sexual misconduct hearings to determine whether they have violated the sexual misconduct policy. Fundamental fairness for sexual misconduct hearings at the University consists of the following standards:

1. All charges must be in writing and presented to the respondent and declarant at the time of notification of the hearing.
2. Charges shall be reasonably specific as to the nature, time, and place of the alleged infraction.
3. The respondent and declarant shall be informed of their rights in the preliminary meeting with the judicial officer.
4. The respondent and declarant will each be afforded two (2) days to inform the judicial officer whether he or she wishes to resolve the complaint without a hearing (if the respondent accepts responsibility for the allegation).
5. If a hearing will be held the respondent and declarant shall typically be afforded at least 14 days' notice of the hearing in writing.
6. Hearings are normally scheduled within 14 business days after the decision to resolve the complaint via hearing has been made; however, the judicial officer may extend or shorten time lines to accommodate academic calendar or other extenuating circumstances.
7. The respondent and declarant shall each have the right to be accompanied by an advisor who may confer with and assist them 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 conduct procedures are available from the Center for Student Conflict Management. Respondents and declarants are

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7 If the respondent is a student in SMD or SON, the judicial officer will disclose the findings and recommendations to the appropriate disciplinary body within the school in which the student is enrolled. That body will make the ultimate determination regarding the sanction and will communicate the result to the respondent.
strongly encouraged to choose an advisor knowledgeable in the conduct process. Advisors may not be undergraduate students.

8. The respondent and declarant may participate in the hearing while seated in separate hearing rooms connected electronically (unless otherwise requested) in order to allow full participation of the parties.

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 and will not be released unless the University is required to do so by law.

10. The respondent and declarant shall have the opportunity to answer questions and to submit the testimony of material witnesses on his or her own behalf. Witness statements, security reports, residential life incident reports, and depositions—scheduled with the judicial officer and involved parties—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. Copies will not be released.

11. All evidence and testimony, including the relevant security reports, the text of statements made by the respondent and declarant prior to the hearing and used at the hearing, and any physical evidence shall be available to both respondent and declarant; however, legal rules of evidence shall not apply.

12. Relevant reports, documents and other evidence may be reviewed by the respondent and declarant in the Center for Student Conflict Management. Copies of any such material may not, however, leave the office. New information may not be submitted after the case file is closed which normally occurs 7 days prior to the hearing, unless extraordinary circumstances have prohibited the inclusion of such information within the standard timeline.

13. The respondent and declarant 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 declarant will be given an opportunity to make statements which will become part of the case record to be reviewed by the judicial officer and by any dean or director considering an appeal.

15. The respondent and declarant as well as 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 or she may not then provide a statement on his or her own behalf. Depending on all the information presented, a respondent who refuses to give testimony or answer questions may nonetheless be found responsible by the conduct board/officers.

16. The hearing board shall determine by a majority vote whether it is more likely than not (i.e., by a preponderance of the evidence) that the respondent violated the student sexual misconduct policy.

17. The findings and recommendations of any of the hearing board will be forwarded to the judicial officer. In the event the judicial officer does not accept the findings or recommendations of a hearing board, he or she may request further consultation and review by the board or may make a different finding or recommendation if warranted by the evidence presented at the hearing. The judicial officer will notify the respondent and the declarant of the outcome in writing.8

18. The respondent and declarant have the right to appeal a final decision to the appropriate dean/director or appeal body.

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

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8 If the respondent is a student in SMD or SON, the judicial officer will disclose the findings and recommendations to the appropriate disciplinary body within the school in which the student is enrolled. That body will make the ultimate determination regarding the sanction and will communicate the result to the respondent.
APPEALS FOR SEXUAL MISCONDUCT VIOLATIONS

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

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

Process of Appeal
An appeal must be made in writing to the appropriate dean/director/appeal body within the timeline established in the letter officially stating the original decision. The name and contact information for the appropriate dean/director/appeal body to whom the appeal should be submitted is included in the decision letter. The appeal letter to the dean/director/appeal body should state the grounds on which an appeal is made and what the student believes supports an appeal on those grounds. The dean/director/appeal body may review some or all of the material from the original hearing when considering an appeal and dean/director/appeal body may consult with anyone he or she feels would be helpful in deciding the appeal.

When one party to the case appeals the decision, the dean/director/appeal body responsible for the appeal process notifies the other party that an appeal has been submitted. The second party has 7 days from this notification to respond to the appeal in writing explaining his or her perspective of merit of the issues raised. The dean/director/appeal body then responds to both parties with a final determination, typically within 7 days of the submission of all appeal documentation.

Effect of Appeal
The student appealing receives a written decision from the dean/director/appeal body. 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.
RESOURCES

For information regarding New York state definitions of some of the terms used in this policy please see the “Think Safe” document produced by University DPS and located online at www.publicsafety.rochester.edu/images/2013_ThinkSafe.pdf. The University’s definitions of sanctionable conduct may be different than state law.

The following community and University of Rochester resources are available for assistance.

1. Rochester Area Resources (these agencies are not obligated to report to the University)
   - Rape Crisis Service Hotline 585-546-2777
   - Rochester Police Department 585-428-7210
   - Rochester Police Department, Victims Assistance 585-428-6630
   - Monroe County Sheriff, Victims Assistance 585-428-5495
   - Monroe County District Attorney’s Office Victim’s Assistance 585-428-5704
   - Monroe County Health Department 585-733-5375
   - Alternatives for Battered Women (ABW) 585-232-7353
   - Gay Alliance of Genesee Valley (GAGV) 585-244-8641 ext. 17

2. University of Rochester
   - University Department of Public Safety 585-275-3333
   - Morgan Levy: Title IX Coordinator 585-275-7814
   - Center for Student Conflict Management, 510 Wilson Commons 585-275-4085
   - University Health Service(physician on-call when offices are closed)
     - River Campus Office, UHS Building, 1st floor 585-275-2662
     - Medical Center Office, 1-5000 area 585-275-2662
     - Eastman School Office, SLC, room 106 585-274-1230
     - Health Promotion Office, UHS Building, 2nd floor 585-273-5770
   - University Counseling Center, UHS Building, 3rd floor 585-275-3113
## Appendix A

<table>
<thead>
<tr>
<th>University Wide</th>
<th>Morgan Levy, Title IX Coordinator 271 Wallis Hall, 585-275-7814 <a href="mailto:morgan.levy@rochester.edu">morgan.levy@rochester.edu</a></th>
</tr>
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<tbody>
<tr>
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<td>Dawn Bruner, Deputy Coordinator 510 Wilson Commons, 585-275-4085 <a href="mailto:dawn.bruner@rochester.edu">dawn.bruner@rochester.edu</a></td>
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<td>Eastman School of Arts</td>
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<tr>
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<tr>
<td>School of Nursing</td>
<td>Pam Herendeen, Deputy Coordinator HWH 4W144/601 Elmwood Ave, ACF 6, 585-275-5693 <a href="mailto:pam.herendeen@urmc.rochester.edu">pam.herendeen@urmc.rochester.edu</a></td>
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<tr>
<td>Simon School of Business</td>
<td>Laura Gavigan, Deputy Coordinator 202 Schlegel Hall, 585-275-8177 <a href="mailto:laura.gavigan@rochester.edu">laura.gavigan@rochester.edu</a></td>
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| Warner School                   | Logan Hazen, Deputy Coordinator 250 LeChase Hall, 585-275-1007 l hazen@warner.rochester.edu }
Appendix B

The following scenarios illustrate how choices during situations common to college life, can result in a finding of a responsibility for violating our code of conduct. These scenarios were designed to clarify details of the policy and do not reflect the factual complexities and ambiguities that sexual misconduct allegations typically include.

- Angelique and Aaron have been in an ongoing relationship for a year-and-a-half and have engaged in consensual sexual intercourse. One night while becoming intimate, Angelique stops and says she doesn’t feel like having sex that night. Aaron continues to touch her, saying that she got him excited and it wasn't fair of her to lead him on like that. Again Angelique tells him she does not want to have sex, and then is silent. Aaron decides she has given in, and proceeds to have sexual intercourse with her. This is a violation of the Sexual Misconduct Policy. Aaron had sexual intercourse with Angela against her will. The fact that Angela has freely consented to sexual intercourse with Aaron in the past does NOT mean he has her consent in this situation.

- Robert and Felix have been flirting with each other all night at a party. Around 12:30 a.m., Felix excuses himself to find a bathroom. Robert notices Felix slurring his speech. Robert wonders if Felix went to the bathroom to vomit. When Felix returns, the two begin flirting more heavily and move to a couch. As the conversation continues, the two become more relaxed and more physically affectionate. Robert soon suggests they go back to his room, and Felix agrees. As they walk down the stairs, Robert notices that Felix looks unstable and offers his arm for support and balance. When they get back to his room, Robert leads Felix to the bed and they begin to become intimate. Felix becomes increasingly passive and appears disoriented. Robert soon begins to have sexual intercourse with him. The next morning, Felix thinks they had sex but cannot piece together the events leading up to it. This is a violation of the Sexual Misconduct Policy. Felix was clearly incapacitated due to alcohol and thus unable to freely consent to engage in sexual activity with Robert. Although Robert may not have known how much alcohol Felix had consumed, he saw indicators from which a reasonable person would conclude that Felix was intoxicated, and therefore unable to give consent. Robert in no way obtained consent from Felix.

- Erin is talking to several of her friends in the hallway at a crowded party. Chang, a student she knows from chemistry class, comes up behind her and places his arms around her waist. She says hi to Chang and continues her conversation. After a while, she realized that Chang has moved his hands up to her breasts. She turns to him and tells him to stop, saying she doesn't want to be touched in that way and that he should have more respect for her. He laughs, tells her she takes herself too seriously, and again begins to grope her. This is a violation of the Sexual Misconduct Policy. Chang touched Erin in a sexual way without her consent, and continued to do so after she told him to stop. This behavior is a form of sexual misconduct.

- Kalliyan and Noah have been together for six months. She often tells her friends stories of Noah's sexual prowess, and decided to prove it to them. One night, she and Noah engage in consensual sexual intercourse. Without Noah’s knowledge, Kalliyan sets up her digital camera to videotape them having sex. The next evening, she uploads the video to an online video-sharing site and discusses it with her friends online. This is a violation of the Standards of Student Conduct prohibition against harassment. Noah’s consent to engage in sexual intercourse with Kalliyan did NOT mean Kalliyan had obtained his consent to videotape it or broadcast the event to others.

- John and Myra have been intimate for several days. One night, Myra calls John and asks him to come over. When he arrives, Myra kisses John passionately and leads him into the bedroom. They each express their excitement and desire to hook up, and are soon making out heavily in Myra's bed. After a while, John tries to engage in oral sex with Myra. Myra tells John that she really likes him, but that she doesn't feel ready. John tells Myra she's just being shy, and ignores her when she repeats that she doesn't feel ready. John then accuses her of leading him on. Eventually, John proceeds with oral sex, although Myra never gave permission. This is a violation of the Sexual Misconduct Policy. John did not receive consent from Myra and has committed sexual misconduct.

- Pat and Sam have an interest in each other but have never become intimate because Sam has a boyfriend back home. One night Pat and Sam meet at a party and begin making out on the dance floor. Eventually Sam invites Pat back to the dorm room where they have consensual intercourse. Sam’s roommate enters the room and finds Sam and Pat in bed. Sam is distraught over the roommate finding them and fears that Sam's boyfriend back home may find out. Sam contacts the RA and claims there was no consent. This is not a violation of the Sexual Misconduct Policy because it was reasonable, based on Sam’s actions, for Pat to believe that Sam had consented.

- Jen and Vince have been dating since high school and have had a volatile relationship. Late in the first semester or their junior year, Jen and Vince got into a big argument that involved a lot of yelling and screaming. They left each other late at night agreeing to talk more the following day. The next day, during Jen’s first class, she receives 27 text messages from Vince. The messages say things like “leave class now or I will break up with you!” “You won’t be able to afford the rent if you break up with me!” “I will tell your mother that you cheated on me.” “I think the University would like to know about that big party you held for your sorority. You can’t study abroad when you are on probation.” Jen is scared and upset about the way Vince is asking and tells him to stop texting.
her. Vince continues to text her throughout the day. At night as she is going to bed, she sees him standing outside her residence hall staring up at her window. Jenny calls the Public Safety. *This is a violation of the Sexual Misconduct Policy as Vince’s behavior would cause a reasonable person to fear harm to his or her health or safety.*

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

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

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