

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

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UNIVERSITY *of*  
ROCHESTER

Center for Student Conflict Management

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

**Table of Contents**

**The University of Rochester Conduct System**

Statement of Communal Principles .....	3
Student Code of Conduct .....	4
Fundamental Fairness in Hearing Process .....	6
Appeals .....	8
Basic Rights and Expectation .....	8
Division of Jurisdiction and Responsibility .....	9
The University and the Public Law .....	10
Responses to Misconduct.....	11
Conduct Records.....	12
Interim Actions and Other Restrictions .....	13

**Policies & Procedures**

Academic Misconduct .....	14
Active Avoidance Policy .....	14
Alcohol and Other Drugs Policy.....	15
Event/Function Registration .....	20
Resources for Education, Counseling & Treatment .....	20
Athletics Code of Conduct Statement.....	21
Complicity.....	21
Dog Policy .....	21
Eastman School of Music Statement .....	21
Weapons Policy .....	21
Fire Safety Policies .....	22
Fraternity and Sorority Life Statement .....	22
Group Responsibility Policy .....	23
Hazing Policy.....	23
Harassment and Discrimination.....	23
Involuntary Leaves of Absence (Withdrawal).....	24
Non-Motorized Transportation Policy.....	25
Parking Policies .....	26
Residential Life and Dining Services Policies.....	26
Study Abroad Code of Conduct Statement.....	26
University Smoking Policy .....	26
Information Technology Policies.....	26
Questions About Policies.....	29
Policy Changes and Updates.....	29
Additional Regulations .....	29

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](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. (a) [Sexual harassment or discrimination](#), whether:
  - (i) Involving assault, or
  - (ii) Not involving assault;(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
- [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 (Director, Associate Director, Assistant Director, 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

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 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. In cases involving allegations of sexual assault or harassment the advisors may not be undergraduate students.
9. Hearings are recorded. A recording of the hearing will be available in the event of an appeal, but remains the property of the University.
10. The respondent and victim shall have the opportunity to answer accusations and to submit the testimony of material witnesses on his or her own behalf. Witness statements, security reports, residential life incident reports, and depositions—scheduled with the judicial officer and respondent—shall be acceptable as documentation submitted to a board. All other documentation is subject to review by the judicial officer prior to the time of the hearing.
11. All evidence and testimony, including the relevant security reports, the text of statements made by the respondent 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 nonetheless be found responsible by the conduct board/officers.

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 nonacademic 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<sup>1</sup> 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 nonacademic conduct incidents involving both undergraduate and graduate students with a further delegation to conduct teams/officers. These conduct teams/officers determine whether an alleged violation of the standards of the University community occurred by the preponderance of the evidence. If the team/officer finds that a violation did occur it further determines the response which is most likely to benefit both the individual student and the larger University community. As the University official responsible for conduct, the judicial officer receives the recommendation of these conduct teams/officers on behalf of the University, accepts or modifies the recommendation, and formally implements University disciplinary action.
- B. Jurisdiction over cases of academic misconduct involving undergraduate students has been delegated to the College Board on Academic Honesty which makes findings and submits recommendations to the dean of the appropriate college.
- C. There is not always a clear distinction between academic and nonacademic misconduct. The fundamental criterion for deciding whether a matter is academic or nonacademic is whether the student was acting in a scholarly or professional capacity. When the incident involves a student acting in his or her role as a student, teaching assistant, or expert in his or her discipline, then the matter is an academic matter. When the incident involves a student acting as an individual independent of these roles, then the matter is nonacademic. The available hearing procedures are not intended to be mutually exclusive: it is possible that a student could be subject to both academic and nonacademic discipline for the same misconduct.
- D. Discretionary responsibility for handling extreme cases, where such action is essential for maintaining the orderly processes of the University, is retained by the President or a delegate.
- E. Other officers and agents of the University may promulgate rules and regulations applicable to students in particular situations independent of these procedures and guidelines. These officers and agencies shall report serious violations of such rules and regulations to the judicial officer.

### **Conduct Officers/Bodies**

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

- **Residential Life Staff:** Residential Life 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

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<sup>1</sup> 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.

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 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 a conduct officer or body. 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 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 \$30. 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. As of August 2013, 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**

Student records, including files from conduct cases maintained by the University, are treated with appropriate confidentiality, in accordance with the University policy on student records and relevant legal standards. Academic transcripts issued during periods of suspension or expulsion will be accompanied by a letter from the registrar indicating that the student is currently suspended or expelled from the University for conduct reasons. University staff who have knowledge of action taken against a student for misconduct may on occasion be asked to respond to inquiries regarding the student's involvement. In accordance with the confidentiality of such records, the University

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 or 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.

## **INTERIM ACTIONS AND OTHER RESTRICTIONS**

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

- **Interim Suspension—Individual:** If a student's presence on campus poses a perceived or immediate threat to his or her own or another's physical or emotional safety and well-being, the preservation of University or others' property, or safety and order on University premises, the University may impose interim restrictions up to and including immediate suspension pending a disciplinary hearing, which occurs as quickly as possible following an incident, but ordinarily within fourteen (14) business days. It is understood that in extreme cases, summary action may be imposed for a longer period of time. 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.

## **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[15], etc.), once the accused becomes aware of the other party's presence, he or she is instructed to leave the area immediately or to delay entry until the other party has left.

### **Violations of the active avoidance policy**

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

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

## **ALCOHOL AND OTHER DRUGS POLICY**

### **Introduction**

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

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

### **Alcohol and other drug prohibitions**

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

#### **Alcohol**

##### *Underage Purchase, Consumption, or Possession:*

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

##### *Procurement/Service of Alcohol:*

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

##### *Possession/Use of False Identification:*

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

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

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

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

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

*Rapid Consumption:*

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

*Public Intoxication:*

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

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

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

*Sale/Advertising of Alcohol:*

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

*Other Events/Functions:*

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

*Freshman Areas:*

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

## **Drugs**

*Trafficking/Distributing:*

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



*Use/Possession:*

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

*Paraphernalia:*

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

### **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,<sup>2</sup> 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 [http://www.mlrems.org/e107\\_files/downloads/2010\\_protocol.pdf](http://www.mlrems.org/e107_files/downloads/2010_protocol.pdf).

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

### **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

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<sup>2</sup> Any costs associated with such programs are the responsibility of the student.

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.

**FEDERAL, STATE & LOCAL LAWS REGARDING ALCOHOL & OTHER DRUGS**

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

LAW	DESCRIPTION	PENALTIES FOR 1 <sup>ST</sup> OFFENSES
Minimum Drinking Age Law	It is illegal for individuals under the age of 21 to purchase or possess alcoholic beverages with the intent to consume such beverages.	Fine not exceeding fifty dollars, completion of an alcohol awareness program, and up to thirty hours of community service.
Procurement of Alcohol & Serving of Alcohol for Underage Persons	Procuring alcohol for a person under 21 through misrepresenting his/her age is prohibited. The serving of alcohol to individuals actually or apparently under the age of 21, to intoxicated individuals, or to individuals who are known to habitually become intoxicated is prohibited.	A fine of not more than two hundred dollars and/or up to five days imprisonment.  Penalties include suspension of liquor sales license and/or a \$1000 fine.
False Identification Laws	The purchase or attempt to purchase alcohol with the use of false or fraudulent documentation (such as a false identification card or a driver's license belonging to another) by persons under 21 years of age is prohibited.	Fines of not more than \$100, community service, and completion of an alcohol awareness program.
Open Container/Public Consumption Law	The possession/consumption of an open container of alcohol—i.e., any carton, cup, glass or receptacle which is uncapped, uncorked, unscrewed, unsealed or otherwise open in such a way as to permit direct consumption of the contents—in a public space is prohibited.	\$250 fine for first-time violations.
Driving While Intoxicated (DWI)	A BAC (blood alcohol concentration) of .08 or higher, or other evidence of intoxication.	Fines of up to \$1000, driving license revoked for at least six months, and up to one year jail time.
Driving While Ability Impaired (DWAI)	A BAC of more than .05 but less than .08 BAC, or other evidence of impairment.	Fine of \$500, revocation of license for 90 days, and up to 15 days of jail time.
Zero Tolerance Law	Drivers under the age of 21 who are found to be driving with any alcohol in their system (.02 to .07 BAC) may be charged.	Fine of \$225 and a six-month license suspension.
Illegal Use, Possession, & Distribution of Drugs Law	Federal and New York State laws provide legal sanctions and penalties for the unlawful possession or distribution of controlled substances. The severity of the penalty depends on the nature of the criminal act and the identity and amount of the illicit drug involved.	Possession of as little as 25g of marijuana can result in a maximum of three months in jail or a \$500 fine. Possession of as little as 1 mg of LSD can result in up to 5 and ½ years in prison.
General Obligations Law	A person who serves alcohol to or assists in procuring it for a person under 21, or who sells it to or assists in procuring it for an intoxicated person of any age, may face civil liability to someone injured by that person's intoxication. Likewise, anyone who sells a controlled substance to another or assists in procuring it for them may be liable for injuries to others caused by that person's resulting impairment.	

## **EVENT/FUNCTION REGISTRATION**

All on or off-campus events/functions that involve alcohol and meet one of the three criteria below must be registered through the organization's advisor with the approval of Public Safety. \*Events without alcohol also must be registered. You must meet with your staff adviser, (staff in Wilson Commons Student Activities, Fraternity & Sorority Affairs, the Chapel, or Residential Life) to begin the event registration process. Please see <http://www.rochester.edu/college/dos/services/eventreg.html> for information regarding how to register your event.

Criteria triggering event registration:

- More than 75 people are expected to be present at any one time, OR
- Use of a common container of alcohol or distilled spirits by a licensed third party vendor is being requested. (Use of common containers or distilled spirits, other than that by a licensed third party vendor, is prohibited at all events/functions.), OR
- The event is organized by University of Rochester students and is advertised or promoted to University of Rochester students in any manner, including advertisement and/or promotion through online social networks.

## **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

### **Department of Public Safety**

*Assistance with emergencies and non-emergencies*

Emergency Response: x13

Medical Emergency Response Team (MERT): x13

Non-emergencies: 585-275-3333

### **Wilson Commons Student Activities**

585-275-9390

### **Residential Life**

585-275-3166

## **ATHLETICS CODE OF CONDUCT STATEMENT**

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

## **COMPLICITY**

The absence of active participation in misconduct is often an insufficient response to violations of the code of conduct. 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 are not eligible to represent the fraternity/sorority community on campus-wide committees or participate in leadership positions related to fraternity and sorority life, including but not limited to governing councils and Order of Omega.

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

## **GROUP RESPONSIBILITY POLICY**

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

## **HAZING POLICY**

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 a person's willingness to participate in the activity does not keep it from counting as hazing. 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 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**

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

### **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, sex, sexual orientation, veteran status, or other status protected by law, or because of their perceived or actual affiliation or association with such individuals or groups.

Discrimination includes any behavior that is unlawful discrimination under applicable New York State and/or federal law.

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

#### *B. Harassment*

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

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

### *C. Sexual Harassment*

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

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

If you are concerned that you may have been subjected to harassment or discrimination and would like information about your options for addressing the issue, you can contact Morgan Levy, Title IX Coordinator and Equal Opportunity Compliance Director, at 585-275-7814 or [morgan.levy@rochester.edu](mailto:morgan.levy@rochester.edu). Morgan Levy can provide assistance in all matters related to discrimination, harassment and sexual assault, including information about support services. [morgan.levy@rochester.edu](mailto:morgan.levy@rochester.edu). You can also contact the Center for Student Conflict Management by calling 585-275-4085 or e-mailing [conflict.management@rochester.edu](mailto:conflict.management@rochester.edu).

### **INVOLUNTARY LEAVES OF ABSENCE (WITHDRAWAL)**

The University of Rochester provides a wide range of services to support and address the mental and physical health needs of students including assessment, short-term care as appropriate, and referrals. Our first concern is for the health and welfare of each individual in our community. Our goal is to enable all of our students to participate fully as members of Rochester's academic community. However, students 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[19].

### **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>. The City policy pertains to these activities on public property, such as city streets, sidewalks, and parks.

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

## **PARKING POLICIES**

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

## **RESIDENTIAL LIFE 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/contract-conditions.html> for freshman and <http://rochester.edu/reslife/upperclass/contract.html> for upperclassman

Additional information about dining services policies can be found online here: <http://www.campusdish.com/en-US/CSNE/Rochester/MealPlans/>.

## **STUDY ABROAD CODE OF CONDUCT STATEMENT**

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

## **UNIVERSITY SMOKING POLICY**

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

## **INFORMATION TECHNOLOGY POLICIES**

### **Purpose**

The University of Rochester recognizes the vital role information technology plays in the University's missions and related administrative activities as well as the importance in an academic environment of protecting information in all forms. As more information is used and shared in a digital format by students, faculty and staff, both within and outside the University, an increased effort must be made to protect the information and the technology resources that support it. Increased protection of our information and Information Technology Resources to assure the usability and availability of those Resources is the primary purpose of this Policy. The Policy also addresses privacy and usage of those who access University Information Technology Resources. 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 or 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 game and other software, and other original creative works. Copyright holders can find out exactly what files are shared from your computer through peer-to-peer file sharing programs like BitTorrent and Limewire, and many college students have paid thousands of dollars to settle civil suits brought by copyright holders. Students have the responsibility to know the law and University policy on downloading and distributing copyrighted files. Specific information is located at <http://www.rochester.edu/it/security/yourself/file-sharing.html>

Copyright infringement can result in civil and criminal penalties:

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

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

- Termination of user privileges
- Disciplinary Probation
- Community Restitution
- 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**

[http://www.riaa.org/toolsforparents.php?content\\_selector=legal-music-services](http://www.riaa.org/toolsforparents.php?content_selector=legal-music-services)

#### **Videos**

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

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

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

### **QUESTIONS ABOUT POLICIES**

For questions about policies, contact the Center for Student Conflict Management (585-275-4085 or [conflict.management@rochester.edu](mailto:conflict.management@rochester.edu)) in 510 Wilson Commons. This office oversees the administration of the policy and the resolution of violations and actively engages in a cooperative effort to educate students and organizations about their responsibilities as members of the academic community.

### **POLICY CHANGES AND UPDATES**

The College reserves the right to modify the policies, procedures, and guidelines contained within this booklet without notice. For information about updates or changes, students can contact the 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.