Maritime College
State University of New York

Code of Conduct

Updated:
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Section I - Introduction

Article I - Maritime College Mission Statement
The Maritime College is a small, prestigious, specialized college of the State University of New York. Its mission is to provide:

- A learning environment that stimulates intellectual growth, scholarship and creativity,
- An innovative, “hands-on” approach to instruction directed by a dedicated faculty composed of experts in their fields,
- Quality undergraduate and graduate programs in international business, engineering, science and technology, with particular emphasis on the maritime industry,
- A structured community which emphasizes responsible citizenship and self-discipline, and which maximizes opportunities for exercising leadership,
- An opportunity for its graduates to qualify for licensure as a merchant marine officer or commissioning in the United States Armed Forces,
- Through its graduates, a quality workforce and prospective leaders for the state, nation and maritime and international business community, and
- A nationally and internationally recognized resource of expertise in its specialized disciplines as they relate to the maritime field.

Article II - General Philosophy
Maritime College, as an academic learning community, is committed to providing an atmosphere conducive to educational and personal growth. The rights and privileges exercised by any person are always a function of relationship with others. Each person is held responsible, formally and informally, for the way freedom is used. When freedom is used non-constructively, the judicial process can determine the response appropriate to the particular kind of abuse. The College’s judicial process includes counseling to help individuals gain self-awareness of the consequences of their actions, and to help increase interpersonal competence through a mature acceptance of responsibility. In all aspects, the judicial process is fundamental to education, a major purpose of which is to help make the wisest possible use of the freedom they have and to allow students to work, study and reside together in an atmosphere of mutual respect.

Generally, through appropriate procedures, institutional disciplinary measures shall be imposed for conduct, which adversely affects the college’s pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property of persons at the college or on college-controlled property. In general, jurisdiction for SUNY Maritime judicial matters shall be limited to conduct which occurs on college premises. However, SUNY Maritime reserves the right to apply campus disciplinary procedures for inappropriate student behavior which occurs at off-campus locations whenever the student’s conduct, and an activity and/or an event, adversely affect the campus community or undermine the interests and/or mission of the institution.

Students are expected to conduct themselves in accordance with the rules and regulations of the college. All students are governed by the procedures and codes found in this section and are expected to know and abide by this code of conduct. In addition, no statement, or lack of provision, in these regulations affects the responsibility of every person to respect and adhere to local, state, or federal ordinances, regulations, or laws. SUNY Maritime College reserves the right to adjudicate campus judicial matters separately from federal, state or local proceedings.

Admission to the College carries with it the expectation that students read and abide by the Student Code of Conduct with all the rights and responsibilities that it implies and by his/her attendance at Maritime College assumes the obligation to comply with the Student Code of Conduct. All students at the College are responsible for the reading and understanding of the Student Code of Conduct. In addition, cadets are responsible for the reading and understanding of the Organization, Operations and Regulations Manual for the Regiment of Cadets.
Article III - Affirmative Action Policy
Maritime College, State University of New York does not discriminate on the basis of race, color, creed, age, national origin, marital status, or status as a disabled veteran, or veteran, in the recruitment of students, the recruitment and employment of faculty or staff, or the operation of any of its programs and activities as specified in federal and state laws and regulations. The designated office for Affirmative Action is the Assistant Dean of Student Development & Retention, in Student Life. They can be located during regular business hours A Dorm, on the first floor.

Section II - State & Federal Laws & Policies

Article I - Rules & Regulations for Public Order
Board of Trustees SUNY Maintenance of Public Order Statutory Authority Education Law 6450
A. Statement of Purpose
The following rules are adopted in compliance with section 6450 of the Education Law and should be filed with the Commissioner of Education and the Board of Regents on or before July 20, 1969, as required by that section. Said rules shall be subject to amendment or revision and any amendments or revisions thereof shall be filed with the Commissioner of Education and Board of Regents within 10 days after adoption. Nothing herein is intended nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly. Free inquiry and free expression are indispensable to the objectives of a higher education institution. Similarly, experience has demonstrated that the traditional autonomy of the educational institution (and the accompanying institutional responsibility for the maintenance of order) is best suited to achieve these objectives. These rules shall not be construed to prevent or limit communication between and among faculty, students, and administration, or to relieve the institution of its special responsibility for self-regulation in the preservation of public order. Their purpose is not to prevent or restrain controversy and dissent, but to prevent abuse of rights of others and to maintain that public order appropriate to a college or university campus without which there can be no intellectual freedom and they shall be interpreted and applied to that end.

B. Application of Rules
These rules shall apply to all State operated institutions of the State University except as provided in Part 550 as applicable to the State University Maritime College. These rules may be supplemented by additional rules for the maintenance of public order heretofore or hereafter adopted for any individual institution, approved and adopted by the State University Trustees and filed with the Commissioner of Education and Board of Regents, but only to the extent that such additional rules are not inconsistent herewith. The rules hereby adopted shall govern the conduct of student, faculty and other, licensees, invitees and all other persons, whether or not their presence is authorized, upon the campus of any institution to which such rules are applicable and also upon or with respect to any other premises or property, under the control of such institution, used in its teaching, research, administrative, service, cultural, recreational, athletic and other programs and activities; provided, however, that charges against any student for violation of these rules on the premises of any such institution other than the one at which he/she is in attendance shall be heard and determined at the institution in which he/she is enrolled as a student.

Article II - Notification of Rights Under FERPA
The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. These rights are:
A. The right to inspect and review
This gives the right to inspect and review the student’s education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, or head of the academic department (or appropriate official) written requests that identify the record (s) they wish to inspect. The University official will make arrangements for access and notify the student of the time and place where the records
may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

B. The right to request the amendment

This gives the right to request and amendment of the student’s education records that the student believes is accurate or misleading. Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

C. The right to consent to disclosures

The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the University in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

(Optional) Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll. (NOTE: FERPA requires an institution to make a reasonable attempt to notify the student of the records request unless the institution states in its annual notification that it intends to forward records on request).

D. The right to file a complaint

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the:

Office that administers FERPA is:
Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4605

Article III - Notice of Directory Information

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Maritime College, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your education records. However, Maritime College may disclose appropriately designated “directory information” without written consent, unless you have advised the College to the contrary in accordance with College procedures. The primary purpose of directory information is to allow Maritime College to include this type of information from your education records in certain publications. Examples include:

-A playbill, showing role in a drama production
-The annual yearbook
-Honor roll or other recognition lists
-Graduation programs
-Sports activity sheets, such as for wrestling, showing weight and height of team

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written
consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. If you do not want Maritime College to disclose director information from your education records without your prior written consent, you must notify the College in writing. Maritime College has designated the following information as directory information:
- Student's name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Electronic mail address
- Photograph
- Degrees, honors, and awards received
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended

Article IV - Parental Notification Policy
In October 1998, Congress passed the Higher Education Amendment which permits postsecondary institutions to disclose to parents or legal guardians of students under 21, without their consent, information regarding the student's violation of any federal, state, or local law, or any rule or policy of the institution governing the use or possession of alcohol or a controlled substance. The Office of Student Life or the Office of the Dean of Students may inform parents of any alcohol or drug violation involving students under 21.

Emergency notification may occur when a current registered student is known to have been involved in an emergency (as determined by the College) on property owned or controlled by the College. In cases where specific information is unavailable, other sources may be utilized to notify a contact. If non-directory information is needed to resolve a crisis or emergency, an educational institution may release that information if the institution determines that the information is "necessary to protect the health or safety of the student or other individuals." Factors considered in making a decision to release such information in these situations are: (1) the severity of the threat to the health or safety of those involved; (2) the contact’s need for the information; (3) the time required to deal with the emergency; and, (4) the ability of the contact to assist in dealing with the emergency. The College may disclose known information without consent, in order to communicate the student’s location, their status as a student [if temporarily suspended or otherwise unable to return to the College] and how communication with the student might be achieved. During and after emergencies, entities from and beyond the College, with specific knowledge of the emergency, may also require a student to sign "Consent for the Release of Information Form" before releasing information.

Article V - Sexual Misconduct
Maritime College, State University of New York has programs in place to protect all members of the Maritime College community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of SUNY at Maritime College Police. NYS Law contains the following legal provisions defining the crimes related to sexual assault:
A. Section 130.20 – Sexual Misconduct
   This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.
B. Sections 130.25, 130.30, and 130.35 – Rape
   This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent.
The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

C. **Sections 130.40, 130.45, and 130.50 – Criminal Sexual Act**
   This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

D. **Section 130.52 – Forcible Touching**
   This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person’s sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

E. **Section 130.55, 130.60, and 130.65 – Sexual Abuse**
   This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

F. **Section 130.65(a), 130.66, 130.67, and 130.70 – Aggravated Sexual Abuse**
   This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

**Article VI - Bias Crimes**

It is a Maritime College, State University of New York Police mandate to protect all members of the Maritime College community by preventing and prosecuting bias of hate crimes that occur within the campus’s jurisdiction. Hate crimes, also called bias crimes or bias related crimes, are criminal activity motivated by the perpetrator’s bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available from Maritime College Police headquarters.

**Section III - College Policies**

**Article I - Academic Integrity Policy**

Absolute integrity is expected of every Maritime student in all academic undertakings. Integrity entails a firm adherence to a set of values, and the values most essential to an academic community are grounded on the concept of honesty with respect to the intellectual efforts of oneself and others. Academic integrity is expected not only in formal coursework situations, but in all University relationships and interactions connected to the educational process, including the use of University resources. While both students and faculty of Maritime College assume the responsibility of maintaining and furthering these values, this document is concerned specifically with the conduct of students.

A Maritime student's submission of work for academic credit indicates that the work is the student's own. All outside assistance should be acknowledged, and the student's academic
position truthfully reported at all times. In addition, Maritime students have a right to expect academic integrity from each of their peers.

Students are expected to do their own work in class, on assignments, laboratory experiments, and examinations or tests in accordance with the directions given by the instructor. It is the responsibility of all students to read and understand this statement of College policy on academic integrity. Maritime College considers the violation of academic integrity a serious matter, and one that will be treated as such.

A student who violates academic integrity may, depending on the nature of the offense, be subject to one or more of the following measures: failure of the assignment or examination, failure of the course, dismissal from the Regiment of Cadets, or dismissal from the College.

Violations of academic integrity, also known as academic dishonesty, are subject to review by the Judicial Board. In addition to facing the Judicial Board, Regimental Students may be brought before a Captain's Mast and/or a Suitability Hearing Board. For further information, see the Organization, Operation, and Regulations Manual for the Regiment of Cadets.

A. Examples of Academic Dishonesty

Academic dishonesty includes cheating, plagiarism, obtaining unfair advantage, falsification of official documents, and collusion. The following definitions are intended to help students understand what constitutes academic dishonesty, but it is not intended to be a complete list:

1. Cheating is the attempted or unauthorized use of materials, information, notes, study aids, devices or communication during an academic exercise.
2. Plagiarism is the act of presenting another person’s ideas, research or writing as your own.
3. Obtaining an unfair advantage.
5. Collusion is lending assistance or failing to report witnessed acts of academic misconduct.

B. Faculty Responsibilities

1. Faculty should take steps to ensure that conditions during an exam or quiz are not conducive to cheating.
2. Faculty members should state clearly in all syllabi that violations of academic integrity will not be tolerated at Maritime College and that acts of academic dishonesty will be penalized in accordance with the terms of this article.
3. Faculty members shall define as much as possible what terms like plagiarism mean and what is considered cheating in their course, especially in cases where such terms or instances are not obvious.
4. Faculty members who encounter acts of academic dishonesty are required to report them in writing to the Judicial Board, together with a list of any penalties already imposed (e.g., failure of assignment, failure of course, etc.) and a possible recommendation to the Board of any additional action to be taken. The chairman of the Board will record the information in a database maintained by the Board. If this is a first offense, the Board will take no further action unless requested by the Faculty member. If this is not a first offense, the chair will convene the Board and review the case.
5. Whenever possible, the faculty member should impound the evidence of suspected dishonesty. If necessary, photocopies should be made. Such evidence will not be returned to the student, but will be kept in the confidential files of the Judicial Board.
6. Failure by the faculty member to execute any of these responsibilities will not constitute grounds for dismissal of charges against a student.

C. Student Responsibilities

1. Students are encouraged to notify the instructor if they observe an act of academic dishonesty. If a student reports such an incident, the instructor shall be obligated to pursue the matter as indicated above. If, in the opinion of the student who has reported the incident, the instructor has not fulfilled his/her responsibilities in this matter, that student may take one or more of the following steps in an attempt to resolve the situation:
2. Confer with the department chairperson.
3. Confer with the Vice-President for Academic Affairs.

Article II - Classroom Disruptions
Instructors have the responsibility to maintain an effective learning environment in their classrooms and to deal promptly with any disruptions that interfere with this environment. Faculty has the right to teach and students have the right to learn; no one student will be permitted to infringe on these rights. A faculty member, in reasonably discharging this responsibility and acting in accordance with these guidelines on disruptive students in the classroom, shall receive College support and, whenever necessary, legal protection. An instructor has the responsibility, therefore, to remove, without physical force, a disruptive student from the classroom. Upon request of the instructor, the student must immediately leave. If the disruptive student refuses to leave on request or there is a concern for the safety of students, or self, the instructor has the option of either dismissing the class or calling College Police depending on the gravity of the situation. Consistent with a philosophy of progressive discipline, when a student is ejected from a class for the first time, it shall be for that class period only. The instructor shall submit, promptly, a written report of the incident to the Judicial Officer in Student Life, with copies to the school dean, department chair, and the student’s curriculum chair. In addition, if the situation is threatening enough to have called College Police, the instructor must notify the Judicial Officer in Student Life immediately. The instructor shall be prepared to provide any additional supporting information and to prepare charges against the student when appropriate. Under the circumstances, the student will receive a summary statement of the report from the Judicial Officer in Student Life and warning of potential consequences if another incident were to occur. Any subsequent incident reported to the Judicial Officer in Student Life, involving the same student in any class would result in appropriate administrative action by the Judicial Officer in Student Life and possible referral for disciplinary action by the College Judicial Board. The consequences of each action may include denying the student further access to the class or other disciplinary action, including dismissal from the College.

Article III - Fraud
Responsibility for one's own actions is a cornerstone principle in the sound structure of a living, learning society, and a necessity in the development of personal character. Furnishing false information to the college or others with intent to deceive is a personal abrogation of such responsibility, which is contrary to the well being of a college community. Such fraud includes, but is not limited to, the forging, alteration, or misuse of college property, including library material, private property on the campus, auto decals, identification cards, grade reports, or other personal identification instruments requested by an Academy or other official. This includes using another student's ID card to get meals at the dining center.

Article IV - Gambling
Gambling for money or stakes representing money is prohibited at the College and on board the training vessel at any time.

Article V - Bias Crimes
A bias crime is a criminal offense committed against persons, property, or society that is motivated, in whole or in part, by the offender’s bias against another group or individual’s race, religion, ethnic/national origin, gender, age, political beliefs, disability or sexual orientation. A biased incident is governed by campus policy.

Bias incidents are those actions by an individual or group that is motivated by bias but do not rise to the level of a criminal offense. The fact that the offender was biased against the victim's race, religion, ethnic/national origin, gender, age, political beliefs, disability or sexual orientation does not mean that a hate crime was committed. Rather, the criminal act must have been motivated, in whole or in part, by his/her bias. In keeping with the Maritime College Mission of creating responsible citizens and capable leaders in society, hate motivated vandalism, intimidation or violence will not be tolerated.
Complaints should be referred to the College Police, the Office of Residence Life, and the Office of Regimental Affairs so that action may be taken against the alleged offender promptly. After an initial investigation, a classification will be made in conjunction with the Maritime College Judicial System. The incident may be classified as a hate crime, a crime, a biased motivated incident, a violation of the College’s Student Code of Conduct or as an act of Free Speech.

Article VI - Hazing

Hazing is a serious violation of College policy and New York State law. Maritime College policy specifically prohibits any person, either singly or in concert with others, shall for the purpose of initiation into or affiliation with any organization or group, recklessly or intentionally take any action or create or participate in the creation of any situation that endangers the mental or physical health of another person. This includes, but is not limited to:

- Forced or required participation in physical activities such as calisthenics, exercises or games.
- Any form of tattooing or branding.
- Forced, coerced or required consumption of alcohol or other drugs.
- Any form of physical brutality, including paddling, striking with fists, open hands or objects.
- Participation in illegal activities.
- Intentional or reckless engagement in conduct that creates a substantial risk of physical injury to another person.
- Forced, coerced or required consumption of any food or other substance.
- Creation of excessive fatigue or sleep deprivation.
- Any act that causes psychological harm, embarrassment, ridicule or emotional distress to any individual.
- Forced or required inappropriate dress, full or partial nudity in any situation for any reason.

It should be noted that students found responsible for hazing and other violations of the Student Code of conduct which lead to the death or serious injury of another person will receive, as part of their sanctions a Permanent Transcript Notation (PTN) in addition to whatever other sanctions are placed upon the student. Further information on the College’s stance on Hazing can be found in the Organization, Operation, and Regulations Manual for the Regiment of Cadets.

Article VII - Harassment/Discrimination

Maritime College seeks to create and maintain an educational environment in which all members of the College community are free to pursue their educational and career goals. Harassment on the basis of sex is in violation of the law (Sec. 703 of Title VII of the Civil Rights Act as amended, Title IX Education Amendments of 1972, and the New York State Human Rights Law) and will not be tolerated in Maritime’s campus community. It is the responsibility of every administrator, supervisor and faculty member to create and ensure an environment that is free of discrimination and allows full access and opportunity for participation to all members of the College community. Sexual harassment is inconsistent with the traditions of personal integrity and professionalism that are the foundation of Maritime College.

The Equal Employment Opportunity Commission has issued “Guidelines on Discrimination Because of Sex,” in order to clarify the issue of sexual harassment and unlawful employment practice. The Guidelines define sexual harassment as:

- Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.
- When submission to such conduct is made either explicitly or implicitly a term or condition of an Individual's employment.
- When such conduct has the purpose or effect of substantially interfering with and individual's work performance or creating an intimidating, hostile, or offensive working environment.
Though the guidelines are based on a federal statute and apply only to sexual harassment in the workplace, consistent with the State University of New York’s policy to ensure fair treatment to all individuals, protection for students is to be provided by these same guidelines.

Article VIII - Sexual Misconduct

Maritime College condemns and prohibits sexual misconduct in any form. Sexual misconduct will not be tolerated by this campus and will be dealt with by appropriate disciplinary action.

Where there is probable cause to believe the College's regulations prohibiting sexual misconduct have been violated, the College will expedite strong disciplinary action through its own channels. This discipline includes the possibility of suspension or dismissal from the College. Being intoxicated does not diminish a student's responsibility in perpetrating rape, sexual assault, or other sexual misconduct.

An individual charged with sexual misconduct will be subject to College disciplinary procedures, whether or not prosecution under New York State Criminal Statutes is pending. The College will make every effort to be responsive and sensitive to the victims of these serious crimes. Protection of the victim and prevention of continued trauma is the College's priority. When the victim and the accused live in the same residence hall, an immediate hearing with the Dean of Students will be held to determine the need for modifying the living arrangements. Assistance for any other personal or academic concerns will be reviewed and options provided. Sexual misconduct can be defined as, but is not limited to, one or more of the following:

A. Rape

Forcing or coercing someone to have sexual intercourse. Rape most often involves the use or threat of force, violence, or immediate and unlawful bodily injury. The perpetrator does not need to use a weapon or produce physical harm; threat of force, expressed or implied is itself sufficient to categorize the act as rape. In New York State, an individual has committed rape if sexual intercourse with the victim is consensual. One is unable to consent if at any of sexual intercourse, any of the following conditions exist or made to exist by the assailant:

1. victim under 17 years of age
2. mental incompetence
3. physical helplessness
4. unconscious or sleep
5. incapacitation through use of alcohol or other drugs

B. Acquaintance Rape (Date Rape)

Sexual intercourse undertaken by a friend, date, or acquaintance without consent. Acquaintance rape includes sexual intercourse that occurs through force, as a result of threats, physical restraint or physical violence, or without consent.

C. Sexual Abuse

Forcing or coercing a man or woman to engage in any sexual contact other than intercourse under the circumstances mentioned above.

D. Sodomy

Forcing or coercing a man or woman to engage in any deviate sexual contacts under the circumstances mentioned above.

Article IX - Alcohol

Student use, consumption, possession, or transportation of alcoholic beverages is prohibited on the college grounds, the training ship, and / or any vehicle or craft belonging to or in custody of the College. Students returning to the college grounds or training ship under the influence of alcohol are subject to disciplinary action for this offense. Cases where injury, referral to a hospital, vandalism, use of a vehicle while under the influence, police involvement, or actions bringing discredit to Maritime College will be referred to the College Judicial Board so that they may determine any sanction to be placed on the student.

Events at which alcohol is served may be authorized under certain special circumstances where the vast majority of attendees will be 21 years of age or older. Individuals involved in the
serving of alcoholic beverages must also be 21. Students who dispense or furnish alcoholic beverages to underage students are in violation of college policy and of New York State Law.

It should be noted that the presence of empty alcoholic beverage containers in or about college grounds is prima facie evidence of use, consumption, and/or transportation. Students found in violation of the college alcohol policy will be referred to the Dean of Students or Commandant of Cadets for adjudication.

While procedures have been developed for addressing violations of the campus alcohol policy, respect for issues of student privacy and security from unreasonable intrusions will be consistent with policy and past practice. The College will comply with the requirements of the New York State Alcohol Beverage Control Law. Amendments to the law provide that, "No person under the age of 21 shall possess any alcoholic beverage with the intent to consume such beverage."

Alcoholic beverages are not permitted in residence halls and no events will be approved in which alcohol will be served or consumed in the residence halls. Residents are subject to all local and state laws concerning the use, possession, sale, and transportation of alcoholic beverages. College policy prohibits open containers of alcoholic beverages in all outside areas on the campus. Bringing alcoholic beverages to any public or private event on campus is not permitted.

Students are also advised of the following provisions of New York State law:

- Violators are subject to a fine of up to $50 per offense, but are not subject to arrest. Alcoholic beverages involved in alleged violations of this law may be seized by authorized law enforcement officials, including campus police officers. Disposal and destruction of seized alcoholic beverages are also authorized but cannot be carried out until three days after the initial appearance date, unless otherwise ordered by a court.
- Persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine up to $100 and a community service requirement of up to 30 hours. Previously, violations of this section were punishable only by the imposition of a one year probationary period and a fine.
- A person under the age of 21 who represents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.
- No person shall sell, deliver, give away, permit, procure to be sold, delivered, or given away, any alcoholic beverages to any intoxicated person or any person under the influence of alcohol.
- Any person who shall be injured in person, property, means of support or otherwise by an intoxicated person, or by reason of the intoxication of any person, whether resulting in his/her death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action, such person shall have a right to recover actual and exemplary damages.
- Social host liability creates civil liability for anyone who knowingly furnishes alcoholic beverages to any intoxicated person under the legal age of purchase if intoxication results in injury or damages to a third party.

Article X - Drug

Student use, consumption, possession, or transportation of narcotics and/or illegal drugs is prohibited on college grounds, the training ship, and/or any college vehicle. It should be noted that possession of paraphernalia associated with drug use is prima facie evidence of use and/or possession. Banned substances include, but are not limited to, the following:

- Controlled Substances requiring a prescription, but that are obtained without a physician’s order, such as methedrine (speed), amphetamines (Ritalin, Adderall,
etc.), antidepressants (Prozac, etc.), sedatives and barbiturates, tranquilizers, and pain killers (Valium, Vicatin, etc.)

- Narcotics, such as morphine, heroine, codeine, ketamine, and cocaine in its many forms.
- Chemical substances and organic manner, such as LSD (Acid), marijuana, hashish, THC, Peyote buttons, mescaline, DMT, DOM, STP, etc.

Unauthorized (without prescription) use or possession of any of the above is an illegal act. Use, possession, or sale of these substances may also result in legal action. The college will remain cognizant of its responsibility to civil matters.

The crime and penalties associated with possession and/or consumption of controlled substances and narcotics in New York State can be found in Appendix III, Controlled Substances Crime and Penalties in NY State, at the rear of this manual. For crimes and penalties associated with controlled substances and narcotics under Federal Law, please see Appendix IV, Controlled Substances Crime and Penalties Under Federal Law.

Any student who is involved with drugs is encouraged to consult the Student Health Center or the Counseling Center for help. Information given to a College health care provider or Counselor is privileged and the provider cannot voluntarily disclose it to anyone and cannot be forced to testify to it in court or elsewhere. Other members of the staff or other students may also help with drug problems; however, students should realize they are not necessarily bound by confidentiality.

**Article XI - Smoking**

Smoking in the residential area is only permitted in the gazebos provided for that purpose. The residential area encompasses the western end of Reisenberg Hall (gymnasium) to Reeder Street behind the residences, the street running between Baylis and the seawall to and including the TIV. This smoke free zone includes the Mess deck, Heritage Hall and the Quad, dormitory rooms, corridors, study areas, stairwells and recreational areas.

Smoke free zones also include all college buildings, interior of St. Mary’s pentagon, Fort Schuyler inner gorge, the pier area, within 25 feet of any building entrance, windows, or any other ventilation point.

**Article XII - Criminal Mischief**

No person shall take, or intentionally or recklessly damage, or knowingly possess property other than his/her own without the consent of the owner, or intentionally impede recovery by the owner or College officials acting on behalf of the owner.

**Article XIII - Unauthorized Entry**

There are many reasons why certain areas of the college are at times "off limits" to many personnel. These include safety, security, and organizational needs, to name a few. Persons entering academy spaces plainly marked as such, or locked spaces that are not their own rooms, without the expressed permission of a college official duly authorized to do so shall be guilty of unauthorized entry. College spaces include, but are not limited to, classrooms, residence hall rooms, storage rooms, office spaces, maintenance spaces, dining commons, gym, student government spaces, and library.

**Article XIV - Vandalism**

The willful or ignorant destruction, damage or defacement of property belonging to others has been defined as vandalism which is a detriment to the college community. This policy covers not only college-owned property, but that of others as well and cannot be tolerated within a civil society.

**Article XV - Weapons**

Possession or keeping of a deadly instrument on campus (including in any vehicle) or use of any object with intent to harm another is prohibited. This includes, but is not limited to, firearms, explosives, explosive devices, knives, blackjack, chukka-sticks, sling shots, kung fu type weapons, fireworks, firecrackers, CO-2 type firearms, spring-powered firearms, chemical or
Section IV - Judicial System

Article I - College Judicial Board
The College Judicial Board hears cases involving alleged violations of the Student Code of Conduct and violations of the Residence Hall Code. This board hears cases involving students who either commute or reside on campus. Once a charge is issued, the Judicial Officer convenes a hearing. The Judicial Board that will ultimately hear the case is to be comprised of a non-voting chair and three voting members: one student, one faculty member, one college administrator and the Judicial Officer.

Composition of the College Judicial Panel:
- The College Judicial Panel shall consist of 10 members from which Judicial Boards are chosen. Each of the 10 members shall serve yearly terms. The two (2) faculty and two (2) administrators are appointed by the President, and two (2) non-regimental students, two (2) regimental students and two (2) graduate students are selected.
- The Board members one (1) faculty, one (1) administrator and one (1) student shall be selected from this pool of administrators, faculty and students so that the same members are not required at each committee hearing.
- The Judicial Officer will serve as chair of the committee and will act as a non-voting member. The role of the Judicial Officer is to participate as needed and guide the hearings along in a fair and efficient manner; however, he/she will not take part in any vote determining if a violation of the Student Code of Conduct has occurred except in the case of a tie, in which the chair will vote to break the tie.
- All voting members of the board must be present to constitute a valid hearing. The three members are selected by the Judicial Officer from a standing panel of representatives.

All panelists available to serve on the College Judicial Board are appointed based on criteria and for terms established by the College President. In the event the appropriate numbers of panelists have not been assigned to the panel or in those cases where multiple members of the panel are unable to serve during a particular case due to extenuating circumstances, the College President shall have the right to identify other students, administration and/or faculty, in the appropriate ratio, to hear the case.

Article II - Prohibited Conduct
This section defines acts that are deemed violations of the Student Code of Conduct. Violations may result in a charge of misconduct, resulting in either an Administrative Hearing, agreed to by the Judicial Officer and the accused, or a hearing before the College Judicial Board. In those cases where the Dean of Students deems it appropriate, the accused student may be placed on Involuntary Leave (see Section VI for definition).

A. Conduct Which Impacts on the Common Good of the Community
1. Keys (Level II)
   1.1 Unauthorized possession, duplication, or use of keys (including key cards) to any College premises
2. Unauthorized Entry (Level II, III)
   2.1 Unauthorized entry to or use of a College or private room, building, structure, vehicle, or facility
3. Disorderly Conduct (Level I, II)
   3.1 Conduct which is disruptive, lewd, or indecent, regardless of intent, which breaches the peace of the community
4. Dangerous Objects (Level I)
   4.1 Possession of any firearms, explosives, other weapons, or dangerous chemicals, whether in proper working condition or not
5. Safety Regulations (Level II, III)
5.1 Falsely reporting a bomb, fire, or any other emergency by means of activating a fire alarm or by any other means
5.2 Unauthorized possession, use, or alteration of any College emergency or safety equipment
5.3 Failure to evacuate a building or other structure during an emergency, or during emergency drills
5.4 Actions that create a substantial risk such that the safety of an individual(s) is compromised
6. Arson (Level I)
   6.1 Committing acts of arson, creating a fire hazard, or unauthorized possession or use of flammable materials or hazardous substances
7. Disruption (Level II, III) Including but not limited to:
   7.1 Disruption or obstruction of teaching, research, administration, or other College activities, including its public-service functions on or off campus, or other authorized non-College activities
   7.2 Leading or inciting others to disrupt activities associated with the operations of the College
   7.3 Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions
8. Threats and Intimidation (Level I, II)
   8.1 Action(s) which recklessly and/or intentionally endanger(s) the mental or physical health of any individual and/or results in a cessation of normal activities and operations of the College
9. Failure to Abide by Federal, State, and/or Local Laws (Level I, II)
   9.1 Violation of federal, state, and/or local laws
10. College Policies (Level I, II, III)
   10.1 Violation of published College policies, rules, and regulations (i.e. Code of Conduct, Academic Policies, etc…)

B. Conduct Associated With Personal Responsibility and Integrity
1. Academic Integrity (Level I, II, III) Including but not limited to:
   1.1 Providing false information to any College official, faculty member or office
   1.2 Forgery, alteration, or misuse of any College document, record, or instrument of identification
   1.3 Tampering with the election of an officer of any College-recognized student organization
   1.4 Aiding, abetting, or procuring another person to violate a College policy
   1.5 Academic Dishonesty (i.e. Cheating, plagiarism, obtaining unfair advantage, falsification of official signature, falsification of college documents)
2. Student Identification (Level III)
   2.1 Failure to show proper student identification or other identification to any faculty, staff, or student to staff in the performance of her/his official duties
   2.2 All students are required to carry their identification with them at all times
3. Failure to Comply (Level II, III)
   3.1 Failure to comply with reasonable and lawful requests or directives of College officials or law enforcement officers acting in the performance of their duties and/or interference with faculty, staff, or student-staff acting in the performance of their official duties
4. Damage to Property (Level I, II, III)
   4.1 Any action that causes damage or which would tend to cause damage to the property of the College or property of a member of the College community or other personal or public property
5. Theft (Level I, II) Including but not limited to:
   5.1 Attempted or actual theft of College property or services or property belonging to any member of the College community
   5.2 The unauthorized possession of College property or property belonging to any member of the College community
5.3 Unauthorized use or abuse of computer time and/or computer systems, information, passwords, or computerized data
5.4 Obtaining or attempting to obtain telephone service by any devious means, including but not limited to: unauthorized charging of another person for service, utilizing fraudulent mechanical means to gain service, and/or tampering with connections, facilities, or documents

6. Alcohol (Level I, II, III)
6.1 Student use, consumption, possession, or transportation of alcoholic beverages is prohibited on the college grounds, the training ship, and/or any vehicle or craft belonging to or in custody of the college
6.2 Events at which alcohol is served may be authorized under certain special circumstances where the vast majority of attendees will be 21 years of age or older, individuals involved in the serving of alcoholic beverages must also be 21
6.3 The college will comply with the requirements of the New York State Alcohol Beverage Control Law. Amendments to the law provide that, “No person under the age of 21 shall possess any alcoholic beverage with the intent to consume such beverage”
6.4 Alcoholic beverages are not permitted in residence halls and no events will be approved in which alcohol will be served or consumed in the residence halls
6.5 It should be noted that the presence of unopened or empty alcoholic beverage containers in or about the college grounds is prima facie evidence of use, consumption, and/or transportation
6.6 The third alcohol violation in one academic year is automatically a Level I offense and can result in immediate suspension from residence hall privileges and may result in expulsion from the College
6.7 Any act of harassment, violence of any kind, vandalism, harassment, hate/bias crimes which may be the result of alcohol use becomes a Level I offense

7. Drugs (Level I)
7.1 Possession, sale, consumption, distribution or being knowingly in the presence of narcotics or other controlled substances is prohibited except as expressly permitted by law
7.2 Further, any items that can be utilized for or are designed for the use of drugs (i.e. bowls, bongs, etc.) are not allowed on campus property
7.3 Any items possessed which are fashioned for the purpose of drug use will also be considered a violation of this policy

8. Smoking (Level I, II, III)
8.1 Maritime College has adopted a smoke-free policy in the residence area
8.2 Smoking is not permitted in the residential area which encompasses the area from the Western end of Reisenberg Hall (gymnasium) to Reeder Street behind the residences, the street running between Baylis and the seawall to and including the TIV (McMurray Hall)
8.3 Smoke free zones also include all college buildings, the interior of St. Mary’s Pentagon, Fort Schuyler inner gorge, the pier area, within 25 feet of any building entrance, window or any other ventilation point on a building
8.4 The sale of cigarettes and other tobacco products is prohibited anywhere on college property

9. Gambling (Level I, II, III)
9.1 Gambling on College property or at College-sponsored or supervised functions for money or stakes is prohibited

10. Abuse of the Judicial System (Level I, II) Including but not limited to:
10.1 Failure to obey the summons of a judicial body or College official
10.2 Falsification, distortion, or misrepresentation of information before a judicial body
10.3 Disruption or interference with the orderly conduct of a judicial proceeding
10.4 Institution of a judicial proceeding knowingly without cause by filing a false report or statement
10.5 Attempting to discourage an individual's proper participation in, or use of, the judicial system through intimidation or any other means

10.6 Attempting to influence the impartiality of a member of a judicial body prior to, during, and/or after a judicial proceeding

10.7 Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding

10.8 Influencing or attempting to influence another person to commit an abuse of the judicial system

11. Electronic Use Policy (Level I, II, III)

11.1 Misuse or abuse of the college computer system, voice mail or telephone services as defined by the college. This includes but is not limited to:

11.2 Unauthorized use or abuse of your computer account (i.e Digital Millennium Copyright Act)

11.3 Sending abusive or threatening messages to students, faculty, or staff

11.4 Repeatedly sending messages with no appropriate intent (i.e. spam, etc…)

11.5 Accessing a student or staff account without authorization

11.6 Using a college office computer account without authorization

11.7 Failure to comply with college policies on computer, voice mail and telephone service

D. Conduct Which Violates the Dignity and/or Safety of an Individual

1. Harassment/Sexual Harassment (Level I)

1.1 Actions which are intended to annoy, intimidate and/or alarm another. These include but are not limited to:

1.1.1 Attempting or threatening to subject another person to unwanted physical contact

1.1.2 Following another person in or about a public place or places

1.1.3 Initiating or attempting contact by any means with no purpose of legitimate conversation

1.1.4 Directing obscene language or gestures at another person or group of people

1.1.5 Directing verbal abuse at another person because the individual is carrying out duties and responsibilities associated with her/his role as faculty, staff, or student-staff at the College

2. Hazing (Level I)

2.1 Any action which endangers the mental, emotional, or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in an organization or team whose members are or include students at the State University of New York College at Maritime College (NOTE: A person commits a hazing offense if the person engages in hazing; solicits, encourages, directs, aids or attempts to aid another engaging in hazing; or intentionally, knowingly, or recklessly permits hazing to occur)

3. Physical Assault (Level I) Including but not limited to:

3.1 Inflicting bodily harm upon any person

3.2 Taking any action for the purpose of inflicting harm upon any person

3.3 Threatened use of force upon any person

3.4 Subjecting another person to unwanted physical contact

4. Reckless Endangerment (Level I)

4.1 Taking any action that creates a substantial risk such that bodily harm could result to any person. These include but are not limited to:

4.1.1 Objects or people on window ledges

4.1.2 Use of weapons of any kind for any purpose

4.1.3 Throwing objects

4.1.4 Use of fireworks

4.1.5 Jeopardizing the physical or emotional safety of oneself or another

4.1.6 Fire Regulations – Tampering with Equipment
4.1.7. Setting fires
4.1.8. Initiating or reporting false alarms
4.1.9. Discharging fire extinguishers
4.1.10. Tampering with safety or fire fighting equipment
4.1.11. Hampering fire evacuation procedures

5. Rape (Level I)
5.1 The act of sexual intercourse without consent

6. Sexual Assault (Level I) Including but not limited to:
6.1 Any intentional and uninvited sexually explicit touching, or attempt or threat of such touching
6.2 Any engagement in sexual activity with another person without his/her consent

7. Hate Crime/ Bias Incidents (Level I)
7.1 An act in which criminal offence is committed against persons, property, or community that is motivated in whole or in part, by the offender’s bias against group or individual’s race, religion, ethnic/national origin, gender, age, political beliefs, disability, or sexual orientation
7.2 Hate incidents are those actions by an individual or group that is motivated by bias but does not rise to the level of a criminal offense

Article III - Due Process
The College at Maritime College guarantees the right of a fair and impartial hearing to any student charged with a violation. No student shall be subjected arbitrarily to any disciplinary action for any offense without being given a fair hearing. The only exception to this practice may occur in the case of an Involuntary Leave which may be imposed only to insure the safety and well being of members of the college community or property or to ensure the student’s own physical safety or emotional well being. All students accused of violating the Student code of Conduct shall be granted the following due process rights:

A. A student has the right to a hearing by an unbiased judicial body.
B. All charges, including amended charges, shall be presented to the accused student in writing. The accused student shall be deemed to have been “notified” of the charges, amended charges, notice of the hearing date and any changes in the hearing date, by any of the following methods:

1) hand-delivered notice by campus staff; or

2) delivery by regular mail of a copy of the notice to the student’s campus mail box, and delivery of the notice with return receipt requested, via certified or registered mail to the home address which the student provided the College registrar in the student’s registration documents, or

3) if receipt for the certified or registered letter, return receipt requested letter is not returned with a signature within three weeks, then the accused student may be notified by proof of the mailing of a certified, non-registered letter to the student’s campus and home address; and the hearing date shall be set not less than five nor more than twenty calendar days after the last date that the postal service attempted to deliver the certified, non-registered letter.

C. A student has the right to receive copies of written reports pertinent to the case.
D. A student has the right to have anyone on the Judicial Board replaced if the student believes s/he cannot receive a fair hearing
E. A student has the right to present information in his/her behalf, including the testimony of witnesses, and shall not be compelled to offer testimony against himself/herself.
F. A student has the right to have an advisor present at the hearing. Said advisor may attend the hearing and advise the student during the hearing but may not address the hearing board directly.
G. A student has the right to written notification of the results of a hearing no later than ten (10) business days after the hearing. Proper written notification shall be defined as delivery by mail to a student’s on-campus mailbox, hand-delivery by campus staff, or two days after such notification is mailed to a student’s local, off-campus address via the U.S. Post Office. Students shall be held responsible for the contents of mail for which they have refused receipt.

H. A student has the right to appeal the outcome of a hearing. A student must be informed of his/her right to appeal, and the process by which to do so.

Article IV - Judicial Procedures

A. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Judicial Officer, who is in turn responsible for the administration of the student judicial system.

B. The Judicial Officer may conduct an investigation to determine if charges have merit. Said investigation may include a Disciplinary Conference (either in person or via telephone) whereby the accused is informed of the charge made against him/her, his/her rights under the campus judicial process, and potential sanctions.

C. The Judicial Officer issues a charge of student misconduct if the investigation discloses merit.

D. The accused shall receive written notification of all charges, as described in Section 6.b of the Student code of Conduct.

E. In cases where the accused acknowledges guilt in writing and agrees to an administrative issuance of sanction, the Judicial Officer can issue such sanction in a Guilty Plea proceeding.

1. Guilty Plea. The Guilty Plea is a modified Judicial preceding designed for students who admit to misconduct and allegation(s) referred against them. The Judicial Officer hears only from the accused student and general character witnesses. The Guilty Plea will convene on or about the tenth duty day following notification of the student under investigation or sooner.

2. Admitting to Misconduct. If the accused student chooses to admit to committing a violation, he must submit a written notice of the intent to admit to the Judicial Officer no later than 24 hours prior to the start of any formal Judicial hearings or proceedings.

3. Providence Inquiry. If the accused student chooses to admit to misconduct, the Judicial Officer will conduct a providence inquiry. During the providence inquiry the accused student will be instructed on the rights he is waiving by admitting to the allegation(s). The accused student shall then acknowledge guilt and agree to an administrative issuance of sanction in writing.

4. Guilty Plea Procedures. The Guilty Plea will be conducted by the Judicial Officer. The Judicial Officer will listen to or read the admission of the violation and all evidence relevant in the case. During the Guilty Plea, the accused student may have general character witnesses testify. The Judicial Officer will also question the accused student. By admitting to the violation(s), the accused student will be required to answer questions if requested by the Judicial Officer.

5. Guilty Plea Hearing Composition. The composition of the Guilty Plea hearing will be the Judicial Officer.

6. Guilty Plea Recommendation. After the Guilty Plea is complete, the Judicial Officer will complete a worksheet which concisely summarizes the administrative issuance of sanction(s).

F. In cases where the accused denies guilt and/or requests a hearing before the College Judicial Board, the Judicial Officer will convene a hearing of the board.

G. Hearings shall be conducted by the College Judicial Board according to the following guidelines:

1. Persons other than those directly involved in the case are permitted to be present at the hearing as observers, provided they have prior approval from the Judicial Officer.
2. In violations involving more than one accused student, the Judicial Officer, in his/her discretion may permit the hearing concerning each student to be conducted separately.

3. All hearings are recorded using audio recording equipment.

4. The non-voting Chair of the College Judicial Board is responsible for maintaining an orderly hearing process. Only those recognized by the Chair may speak at the hearing. The Chair may also exclude persons from the hearing if they are disruptive. Further, the Chair may postpone a hearing because of disruptive behavior among the participants and/or observers. Disruptive behavior by participants or observers may form the basis of a separate or additional charge (pursuant to Section 4.B.10 of the Student code of Conduct).

5. The accused student and the Judicial Officer shall have the privilege of presenting witnesses. All witnesses are subject to questioning by the accused student, the Judicial Officer, and the members of the College Judicial Board.

6. Pertinent records, exhibits, and/or written statements may be accepted as evidence for consideration by the College Judicial Board at the discretion of the non-voting Chair.

7. All procedural questions are subject to the final decision of the non-voting Chair.

8. After the hearing, the College Judicial Board will move to a closed session to determine, by majority vote, whether the accused has violated the Student code of Conduct.

9. The Judicial Board’s deliberation shall consider only the weight and credibility of the statements and evidence presented.

10. If the board finds the accused student(s) guilty of violating the Student code of Conduct, it will consider information on the following before rendering a recommended sanction:
   10.1 Prior disciplinary record of the accused (Information on precedent will be presented to the board by the Judicial Officer only after judgment against the accused is made)
   10.2 Disciplinary precedent (Information on precedent will be presented to the board by the Judicial Officer only after judgment against the accused is made)
   10.3 Following deliberation by the six members of the board, its finding regarding the guilt or innocence of the accused, and any sanction recommended in those cases where the accused is found in violation, is to be presented by the non-voting chair to the Judicial Officer.
   10.4 Within 10 days of notification, the Judicial Officer then notifies the accused of the finding and any recommended sanction. Proper written notification shall be defined as delivery by mail to a student’s on-campus mailbox, hand-delivery by campus staff, or two days after such notification is mailed to a student’s local, off-campus address via the U.S. Post Office. Students shall be held responsible for the contents of mail for which they have refused receipt. The finding and recommended sanction shall stand if no appeal is filed within three days of notification. All appeals must be in writing.

11. If a student accused of violating the Student code of Conduct fails to attend a scheduled hearing, the hearing will be held in the student’s absence, and the student will be assumed to have entered a claim of Not In Violation to each allegation but forfeited his/her ability to present information on her/his behalf. Findings and recommended sanctions will be based on the evidence and not upon the accused student’s failure to appear. If the Judicial Officer learns, or is informed beforehand, that the student’s failure to appear is for good cause, the Judicial Officer may grant a new hearing. Otherwise, the finding and any recommended sanction of the College Judicial Board shall stand if no appeal is filed within three days of notification.

**Article V - Disciplinary Sanctions**

Any student of Maritime College found to be in violation of the provisions of the Student Code of Conduct will be subject to disciplinary sanctions. Sanctioning is considered to be both
educational and constructive although it does not preclude punitive action. Sanctions shall be imposed that are clearly appropriate under the circumstances.

College officials who have the authority to suspend or expel a student from the College include the President and the President’s Student Affairs designee. Notices of expulsion or suspension from the College are reported to the Registrar, University Police, Chief Financial Office, Provost, and other appropriate officials of the College.

Disciplinary sanctions can be imposed upon any student and will fall under one of the following levels:

A. **Level III offense**: Student’s conduct may be reviewed by Judicial Officer, Residential Director, and/or Resident Assistant and can be sanctioned by said official who can assign disciplinary action.
   1. **Level III Sanctions may include but are not limited to**:
      1.1 Reprimand
         An oral statement by an appropriate College official to the student that he/she has violated the Student Code of Conduct. This statement should include the nature of the violation and the consequences of repeated infractions of College rules.
      1.2 Official Censure
         A written statement by an appropriate College official to the student indicating that he/she has violated the Student Code of Conduct. This statement should include the nature of the violation and the consequences of repeated infractions of College rules.
      1.3 On-Campus Community Service
         On-Campus Community Service is a specific number of hours of direct work on the campus that is constructive in nature. The work is assigned and supervised by the Judicial Officer. All levels of adjudication may assign on-campus community service maybe assigned to all levels of adjudication. Record of on-campus community service will be signed by the Dean of Students and/or designee and maintained in students file.
      1.4 Apology Letter
         Requires a student to complete an apology letter with specific recipients, content, length, submission requirements and a completion deadline.
      1.5 Behavioral Contract
         Requires a student to complete and abide by a behavioral contract with specific behavioral restrictions, requirements and a completion deadline.
      1.6 Campus Probation
         A student placed on Campus Probation, has jeopardized their privilege of living in the residence hall system.
      1.7 No Contact Order (with another person[s])
         A student, who has been issued a no contact order, is not to have any contact with a specified student or students for any reason.

B. **Level II offense**: Student conduct will be reviewed and sanction determined by the Dean of Students and/or designee.
   1. **Level II Sanctions may include but are not limited to**:
      1.1 Restitution
         Reimbursement for damage, destruction or misappropriation of College property.
      1.2 Denial or Restriction of the Use of College Facilities
         An official notification by the Dean of Student for denial or restriction of the use of specific College facilities.
      1.3 Disciplinary Probation
         A trial period during which a student who has been found guilty of a violation has the opportunity to demonstrate that he/she can act as a responsible and effective member of the College community. Restrictions may be placed on the student’s activities and/or specific requirements may be imposed upon the student during the period of probation.
1.4 Counseling Consultation
Requires a student to attend one consultation with the College counselor to
determine if counseling is appropriate. Students assigned this sanction will be
required to make the appointment and attend the consultation by a specified
deadline. The Counseling office is permitted to notify the College Judicial Officer
when the mandated consultation has been completed, but will maintain
confidentiality regarding the substance of all consultations.

1.5 Guest Privileges Revoked
A student, whose guest privileges are revoked, has permanently lost the
privilege of hosting guests on the campus.

C. Level I offense: Student conduct will be reviewed and sanctions determined by the
Judicial Board.

1. Level I Sanctions may include but are not limited to:

1.1 Fixed Term Suspension from the College
The student will be required to sever connections with the College for a given
period, including departure from the residence halls. The student must leave the
campus immediately upon receipt of official notice of suspension. The
suspended student may not visit the campus unless prior permission by an
appropriate College official has been granted and all the proper authorities
notified. Any student in violation of these restrictions may be subject to arrest for
trespassing. University Police will be notified of the suspension. Student will not
be eligible for refund for any part of the semester for which the student has been
suspended.

1.2 Expulsion from the College
The student will be required to sever, completely and permanently, all
connections with the College. The student must leave the campus immediately
upon receipt of official notice of expulsion. The expelled student may not visit the
campus unless prior permission by an appropriate College official has been
granted and all the proper authorities notified. Any student in violation of these
restrictions may be subject to arrest for trespassing. Student will not be eligible
for refund.

1.3 Fixed Term Suspension from the Residence Halls
The student may be suspended from the residence halls for a specific period of
time. Arrangements to vacate will be made by the proper College authorities.
During this time, the student is restricted from the residence halls and may also
be restricted from the Mess Deck, Gymnasium, and all social activities. The
student may apply for readmission to the residence halls via the established
process following the period of suspension. Any student in violation of these
restrictions may be subject to arrest for trespassing. Student will not be eligible
for refund.

1.4 Expulsion from the Residence Halls
The student will be required to vacate the residence halls completely and
permanently. Arrangements to vacate will be made by the proper College
authorities. The student is restricted from the residence halls and may be
restricted from the Mess Deck, Gymnasium, and all social activities. The student
may not apply for readmission to the residence halls. Any student in violation of
these restrictions may be subject to arrest for trespassing. Student will not be
eligible for refund.

Article VI - Appeals
A finding and/or sanction recommended by the College Judicial Board may be appealed
by the accused student or the Judicial Officer to the Provost within three (3) business days of
initial written notification of the result of the initial hearing. Proper written notification shall be
defined as delivery by mail to a student's on-campus mailbox, hand-delivery by campus staff, or
two days after such notification is mailed to a student's local, off-campus address via the U.S.
Post Office. Students shall be held responsible for the contents of mail for which they have
refused receipt. Such appeals shall be in writing and shall be delivered to the Dean of Students. If an appeal cannot be filed in accordance with the 3-day filing deadline, the individual must contact the Dean of Students before said deadline expires and request an extension. Further, in making an appeal, the appellant may request a suspension of sanction pending the outcome of the appeal.

An appeal of a disciplinary finding and/or recommended sanction must be made based on one or more of the following:

A. **Procedural Error**
   To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with the prescribed procedures in Section 6 of the Student code of Conduct. Deprivation of due process shall be considered Procedural Error.

B. **Disproportionate Sanction**
   To determine whether the sanction(s) recommended were appropriate for the violation of the Student code of Conduct which the student was found to have committed.

C. **New Evidence**
   To consider new evidence, sufficient to alter a finding, or other relevant facts not brought out at the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

D. **Unsupported Conclusion**
   To determine whether the finding and/or recommended sanction is consistent with the evidence and/or met precedent in similar cases.

E. **The Result**
   The result of the appeal will be reported by the Dean of Students to both the accused student and the Judicial Officer in 10 days of their decision. The Dean of Students may, after reviewing all available information, elect to:
   1. Agree with the finding and recommended sanction.
   2. Agree with the finding and either reduce or increase the sanction.
   3. Disagree with the finding and revise or impose a sanction.
   4. Remand the case to the College Judicial Board for a new hearing.
   5. Dismiss the case.

**Article VI - Changed venue**
Venue of student misconduct proceedings may be changed from any SUNY Maritime Department, hereafter called “transferring department,” to the Office of Student Life. Said proceeding will then be adjudicated under the Student Code of Conduct or the transferred department’s policies and procedures.

The Office of Student Life shall have subject matter jurisdiction over all cases involving student misconduct alleged by any transferring department.

Upon Petition from the transferring department, venue may be changed subject to acceptance by Judicial Officer. Once the transferring department has granted and the Judicial Officer has accepted the change of venue, the transferring department shall forward copies of all relevant evidence and files to the Judicial Officer. Upon the change of venue, the transferring department shall advise interested Parties of the change of venue and notice that future inquiries shall be made to the Judicial Officer.

**Section V - Judicial Reporting**

**Article I - Disciplinary Records**
All disciplinary records are maintained under the supervision of the Dean of Students as confidential; may not be incorporated into the official college record, and will be released by the College only through consent of the student, emergencies involving threats to health or safety, valid subpoena or court order. The confidentiality of records embraces all information concerning the incident except in cases where a Permanent Transcript Notation (PTN) appears on the student’s transcript.
Article II - Transcript Notation

Students that are found responsible for Code violations and suspended from the College or expelled from the College for Level I violations of the Student Code of Conduct will receive a permanent notation on her/his academic transcript. Additionally, students found responsible for these violations resulting in their suspension or expulsion from the College shall not receive credit for the semester in which they are suspended or expelled. ALL STUDENTS FOUND RESPONSIBLE RESULTING IN THEIR SUSPENSION OR EXPULSION FROM THE COLLEGE ARE NOT ENTITLED TO ANY FINANCIAL REFUNDS. Thus, the suspended student and expelled student are LIABLE for all tuition and fees for that semester in which they were suspended or expelled from the College.

Students who are suspended from the College for a period of time less than a semester MAY still have a permanent transcript notation on her/his academic transcript depending upon the circumstances surrounding the violation, the egregious nature of the violation, or the need for the notation in the judgment of the President of the College or his/her designee.

Article III - Campus Safety Report

In compliance with federal law, Title 11 “Campus Crime Awareness and Campus Security Act”, Maritime College, State University of New York provides reports and statistics about campus safety and security programs, incidents of crime on campus, and information regarding registered sex offenders. Copies of the campus safety and crime reports are available with the College Police.

Section VI - Power & Authority

Article I - Involuntary Leave

Purpose: In the legitimate interest of the College in protecting the safety and welfare of specific individuals or the general public, or in protecting College property, the College President, or their Designee(s) may temporarily suspend an individual pending a decision by a hearing board. Any student who:

- Engages, or threatens to engage, in behavior which poses imminent danger of causing substantial harm to self and/or others or
- Engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impeded the lawful activities of others shall be subject to involuntary withdrawal.

A. Code of Conduct Violations

Hearings for students placed on involuntary leave must be held within ten (10) business days of the leave. An involuntary leave results in the accused student’s immediate exclusion from classes and/or the residence halls and all other College privileges or activities, pending a hearing. At the time of his/her involuntary leave, the student shall be scheduled, under normal circumstances, for a prompt initial hearing. Involuntary leave will only be imposed to insure the safety and well being of members of the College community or College property or to insure the student’s own physical or emotional safety and well-being. If a student seeks an appeal following his/her initial hearing, the period of Involuntary Leave may be extended by the Dean of Students and/or Judicial Officer until the student has exhausted all avenues of appeal.

B. Medical/Psychological/Safety Reasons

The student will, upon preliminary investigation, be required to leave the College and its premises. In that time, it may be mandated that the student will seek a psychological/medical evaluation which will be shared with the Dean of Students and/or Commandant of Cadets and the College Counselor. In order to return to school the student must also be evaluated and recommended for continued attendance at the College by the College Counseling or Designee to the Dean of Students and/or Commandant of Cadets who will make the final decision in writing to the student. If cleared to return to the College, a contract will be developed which prescribes responsibilities and terms of return to the student. This contract will be administered by the Dean of Students and/or Commandant of Cadets in conjunction with the College.
Counseling. Failure to comply with this contract would result in immediate suspension or dismissal from the College.

Article II - Judicial Authority

Overall disciplinary authority is vested with the Dean of Students and/or Commandant of Cadets, as the appointed designee of the College President. The Dean of Students may designate a person or office to administer the Student Code of Conduct, who would then be known as the Judicial Officer. The Dean of Students has the ultimate responsibility for the judicial process for the students not in the regiment and the Commandant of Cadets oversees the regimental students. His/her actions may include any or all of the following:

- Enacting, or authorizing another member of the College staff to enact, Memoranda of Understanding in those instances where the well-being of students, faculty, staff and/or property is deemed at immediate risk.
- Placing students on interim suspension pending a hearing.
- Hearing appeals concerning recommendations made during the campus judicial process.

The Judicial Officer has administrative responsibility for the judicial process. His/her actions may include any or all of the following:

- Conducting an investigation(s) into allegation(s) of student misconduct. Said investigation may include a Disciplinary Conference (either in person or via telephone) whereby the accused is informed of the charge made against him/her, his/her rights under the campus judicial process, and potential sanctions.
- Issuing a charge of student misconduct if the investigation merits it.
- Issuing disciplinary sanctions in those cases where the accused acknowledges guilt in writing and agrees to an administrative issuance of sanction (hereinafter referred to as an Administrative Hearing).
- Assigning the case to the College Judicial Board.

Article III - Interpretation & Revision

A question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students and, in the case of a regimental student, the Commandant of Cadets, or her/his designee for final determination. The Student Code of Conduct shall be reviewed every year under the direction of the Dean of Students and the Commandant of Cadets.

SUNY Maritime College reserves the right to modify the Code of Conduct at any time. Modifications and revisions to the Student Code of Conduct will be posted on the SUNY Maritime College website at www.sunymaritime.edu. Faculty, staff and students will be notified via email of changes. In addition, faculty, staff and students will be provided with an electronic or hard copy of the most current version of the Student Code of Conduct annually at the beginning of the Fall semester.