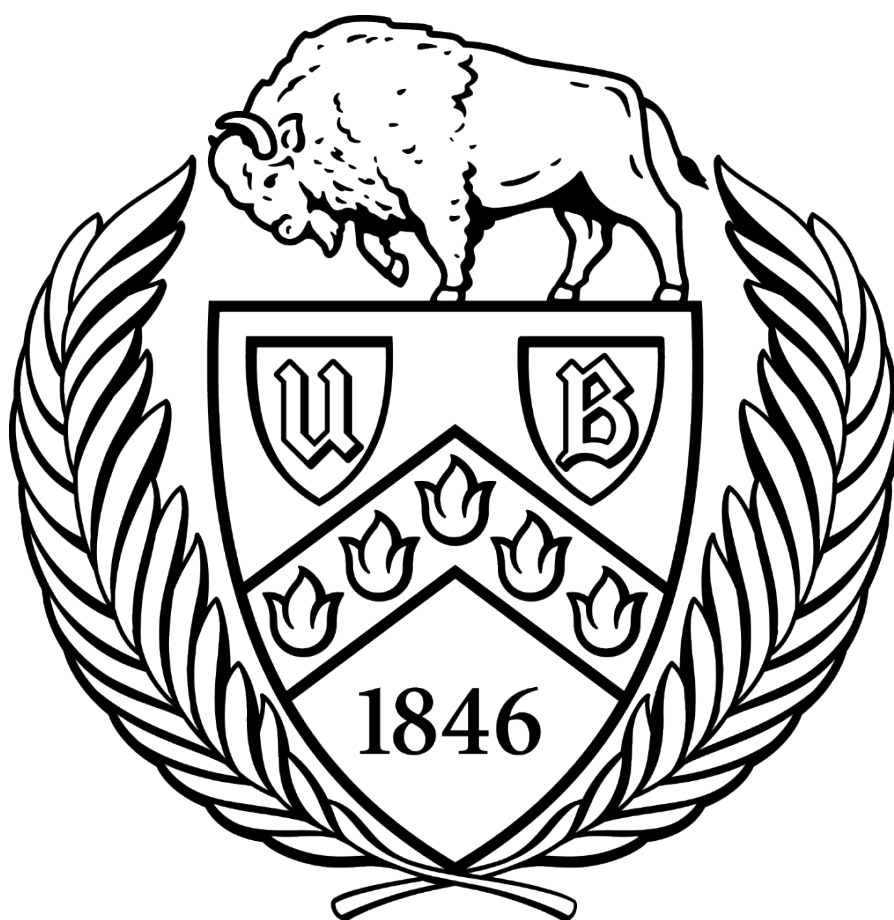


Student Code of Conduct
University Standards and Administrative Regulations



University at Buffalo

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Table of Contents

Preamble, page 3

Article 1: Definitions, page 4

Article 2: Judicial Authority, page 6

Article 3: Proscribed Conduct, page 10

Article 4: Rules of the SUNY Board of Trustees, page 17

Article 5: University Standards, page 17

Article 6: Notification of Parent, Guardian, or Emergency Contact for Alcohol and Controlled Substance Violation, page 19

Article 7: Administrative Regulations, page 20

Article 8: Parking and Traffic Regulations, page 23

Article 9: Student Academic Records & Financial Services, page 24

Article 10: Compliance Statements, page 25

Preamble

University disciplinary processes allow the University to take appropriate action when a student's conduct directly and/or significantly interferes with the University's primary educational responsibility, which is ensuring that all members of its community have the opportunity to attain their educational objectives in accordance with the institution's mandate. These regulations governing student behavior have been formulated to be reasonable and realistic for all students.

When a student has been apprehended for the violation of a law in the community, the state, or nation, it is the University's position not to request or agree to special consideration for the student because of their student status. It should be understood that the University is not a law enforcement agency. At the same time, the University does not conceive of itself as a "sanctuary" for law breakers. The University has always been and should continue to be concerned that whenever students are involved in legal problems they be adequately advised and represented by qualified counsel.

A university, especially a State University subject to constitutional requirements, must guarantee students the rights which society and its laws protect. A United States university guarantees its students these rights on campus.

Students who violate a local ordinance, or any law, risk the legal penalties prescribed by civil authorities. However, violation of law for which the student pays the penalty will not necessarily involve a violation of academic standards or rules of the University. The University cannot be held responsible for off-campus activities of its individual students but maintains an interest in all behavior, whether on- or off-campus, which may adversely affect the University. In cases involving violations of the law which occur off campus, the University may be concerned with the incidents which, by their nature, adversely affect the University's educational mission.

In any University disciplinary procedure one of the highest priorities of the University is to safeguard the student's right to due process. Due process is not an evasive legal concept but rather simply requires the rudimentary elements of "fair play" in an administrative proceeding. To this end:

- All University disciplinary procedures will at least afford the accused student a clear statement of the charges and the nature of the information upon which the charges are based.
- The accused student shall be given the chance to have a fair hearing, and present their own position, information and explanation.
- No disciplinary action will be taken unless the charges are substantiated by the preponderance of evidence.

Courts have indicated that if these minimal elements of "fair play" are fulfilled, the defendant will have been afforded due process under the law.

All campuses of the State University, including the University at Buffalo, engage in periodic review of their policies to ensure they comply with current applicable case law and other legal mandates. The entire State University of New York (SUNY) system operates under the SUNY Board of Trustees mandate that, “no student, faculty, or other staff member or authorized visitor shall be subject to any limitation or penalty solely for the expression of [their] view nor for having assembled with others for such purpose” (8 NYCRR Section 535.4).

In summary, the University expects and asks for its members no greater or no less freedom or liberty than exists for other persons in society. The University's position, therefore, is not to request or agree to special consideration because of the student's status. The University will not interfere with law enforcement and other agencies. As part of its educational mandate, it will be concerned about student rehabilitation and contribution to campus and society now and into the future.

ARTICLE 1: DEFINITIONS

The following are definitions for common terms used throughout this document.

1. "University" means the University at Buffalo, The State University of New York.
2. "Student" is defined as individuals registered for courses, either full time or part time, pursuing undergraduate, graduate, professional studies, certificates, or non-degree programs; individuals who confirm their intent to enroll in programs; individuals attending orientation sessions, taking online classes, residing in the residence halls, enrolled on the date of an alleged incident, active but not enrolled at the Campus, or enrolled in a dual enrollment program with the Campus and another institution, all of the foregoing during the academic terms or between academic terms.
3. “Academic good standing” and “satisfactory and timely progress toward a degree” are defined for students in catalogs at the following website: <http://undergrad-catalog.buffalo.edu/policies>. “Academic good standing” and “satisfactory and timely progress toward a degree” are defined for graduate students at the following website: <https://grad.buffalo.edu/succeed/current-students/policy-library.html>.
4. "Faculty member" means any person conducting classroom activities at UB.
5. "University official" includes any person employed by the University performing assigned administrative or professional responsibilities.
6. "Member of the University community" includes any person who is a student, faculty member, University official, volunteer or any person employed by the University.
7. "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, managed or controlled by the University or affiliates.
8. "Organization" means any number of persons who have complied with the formal requirements for University recognition.
9. "Judicial body" means any persons authorized by the Director of Student Conduct to determine whether a student has violated the Student Code of Conduct and to recommend imposition of sanctions.

10. "Appellate Body" means any person or persons authorized by the Director of Student Conduct to consider an appeal from a judicial body's determination that a student has violated the Student Code or from the sanctions imposed by the Student-Wide Judiciary.
11. "Vice President for Student Life" and the "Dean of Students" are the persons designated by the University President to be responsible for the administration of the Student Code of Conduct.
12. "Policy" is defined as the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Guide to Campus Living, the Undergraduate Catalog, and the Graduate Policies and Procedures and the University Policy Library.
13. "Academic integrity" for undergraduate students is defined at the following website: <https://www.buffalo.edu/academic-integrity>. "Academic integrity" for graduate students is defined at the following website: <https://www.buffalo.edu/academic-integrity.html>. Additional information may be obtained through contact with a specific professional school.
14. "Dismissal" means that a student is permanently removed, for academic reasons, from all privileges offered by association with the University. Application for readmission may be possible.
15. "Suspension" means removing from a student, for disciplinary reasons, from some or all privileges offered by association with the University for a specified period of time. Suspended students are not permitted to be on any campus grounds or to participate in any University functions. A suspension may be temporary, as further defined below, or long-term pursuant to the outcome of a hearing.
16. "Expulsion" means permanently removing from a student all privileges offered by association with the University. Expelled students are not permitted to be on any campus grounds or to participate in any University functions.
17. "Clear and present danger" means one or more of the following:
 - A. Immediate serious violence is expected
 - B. Past conduct furnished a reason to believe a student is contemplating such conduct
 - C. There is the potential of immediate future repetition of prohibited conduct (i.e., sale/possession of drugs, acts of violence, exploitive and nonconsensual sexual behavior sale/distribution of alcohol, etc.)
18. "Temporary suspension" means under certain circumstances a student may be deemed to be a clear and present danger to the University community and may be suspended immediately pending a timely hearing on the alleged violations.
19. "Emergency removal" is the temporary removal of a student from UB's programs or activities on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal. Consistent with UB's Student Code of Conduct, the University may temporarily remove an individual if they have been part of an action that is deemed as a "clear and present danger" to themselves or others in the campus

community. Depending on the individual circumstances, the temporary removal may be from any campus grounds and any University functions, or may be limited to areas where the continuing presence of the student would pose a danger to themselves or others (for example, removal from residence halls or team activities while allowing participation in academic classes). If the University determines that a temporary removal is necessary, the student will be provided notice and an opportunity to challenge the decision immediately following the removal, including information about the process for requesting a review of the decision.

20. "Hearing" refers to the meeting the student will have with a University official or judicial body as a result of being documented in an incident involving alleged policy violations. Sanctioned bodies include (but are not limited to):
- A. Greek Life Conduct Board
 - B. Student-Wide Judiciary
 - C. Campus Living
 - D. Any authorized Greek letter Panel
 - E. Administrative hearing bodies as assigned by the Director of Student Conduct (or designee)
 - F. Authorized bodies within University academic divisions

ARTICLE 2: JUDICIAL AUTHORITY

Jurisdiction of the University

1. University jurisdiction and discipline shall pertain to conduct that occurs on University premises, or off-campus and which adversely affects the University community, including any of its members, and/or the pursuit of its objectives and mission. In addition, illegal conduct off-campus may be adjudicated on campus as a violation of the Student Code of Conduct, and students outside of the United States may be held responsible on campus for violations of the laws of the country where they are visiting/residing.
2. University regulations and procedures shall determine the composition of judicial bodies and determine which judicial body shall be authorized to hear each case.
 - A. The Director of Student Conduct shall oversee the development of policies for the administration of the judicial program and procedural rules for the conduct of hearings.
 - B. Decisions made by a judicial body shall be final, pending the normal appeal process.
 - C. A judicial body may be designated as arbiter of disputes within the student community in situations that do not involve a violation of the Student Code of Conduct. These situations include but are not limited to student government constitutional, procedural, and election issues.
3. The University Police Officers are appointed under the Education Law and the Criminal Procedure Law. The University Police Officers have the authority of police officers,

including the authority to make arrests; they are empowered to enforce these regulations and all applicable laws on University premises. Among their powers are the power to execute warrants; the power to stop, identify and interrogate individuals; and the power to issue appearance tickets.

Campus Disciplinary Action

Students referred for violations of the Student Code of Conduct are subject to disciplinary action through Student Conduct. The Director of Student Conduct will decide on the appropriate judicial body. A student may be referred to the Student-Wide Judiciary (SWJ), or to an administrative hearing. Both the SWJ and the administrative hearing officers act under the discretion of Student Conduct. Residential students may be referred to Campus Living staff for Campus Living Community Standards violations.

1. Student-Wide Judiciary: The SWJ is comprised of University Hearing Representatives. University Hearing Representatives are students working for Student Conduct. Students meet with Hearing Representatives to resolve a referral. If no agreement is possible, either party may refer the matter to an administrative hearing or administrative agreement.

Students accused of a violation of the Student Code of Conduct may choose an administrative hearing or administrative agreement in place of the SWJ.

2. Administrative Hearing: The Director of Student Conduct (or designee) selects at least two persons in an administrative capacity at the University to provide a disciplinary hearing opportunity for a current (or former) student with pending campus disciplinary charges. The procedures for administrative hearings are available at the following website: <https://www.buffalo.edu/studentlife/life-on-campus/community/rules/violations/administrative-hearing>
3. Administrative Hearing Procedures for Sexual Misconduct Charges Involving UB Students: Title IX of the Education Amendments and Article 129B of the New York State Education Law provide for procedural rights and protections for UB students who report acts of sexual violence (Reporting Parties) and those who are accused of sexual violence (Responding Parties). UB's [Title IX Grievance Policy](#) outlines administrative hearing procedures for conduct charges relating to covered sexual harassment. The Title IX Grievance Policy hearing procedures apply to charges against UB students brought by Reporting Parties who are or were UB students at the time of the alleged offense, regardless of whether the alleged conduct occurred on or off campus. Covered sexual harassment and related charges include:
 - A. A student serving in a paid position who conditions educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo)
Related Conduct Charge: Sexual Harassment (A)
 - B. Unwelcome sexual conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the

educational institution's education program or activity;

Related Conduct Charge: Sexual Harassment (B)

- C. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;

Related Conduct Charge: Sexual Assault

- D. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.

Related Conduct Charge: Dating Violence

- E. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York's domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of New York.

Related Conduct Charge: Domestic Violence

- F. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Related Conduct Charge: Stalking

Other sexual misconduct allegations (ex. sexual exploitation, non-covered sexual harassment; charges brought by non-UB students) will be considered in accordance with UB's Administrative Hearing Procedures.

- 4. Community Standards Meeting: Residential students may be referred to a meeting conducted by Campus Living staff to adjudicate alleged violations of Campus Living Community Standards.

Sanctions

Sanctions shall be at the discretion of the judicial body and shall be limited only by the rules governing the University disciplinary bodies.

1. The judicial bodies have the power to institute and/or recommend the following range of sanctions:
 - A. Warning
 - B. Restitution
 - C. Counseling
 - D. Loss of privileges
 - i. Removal from University housing facilities.
 - ii. Loss of such privileges may be consistent with the type of violation and the rehabilitation of the student.
 - E. Campus No Contact Orders: Campus No Contact Orders restrict students from contacting certain individuals, including by first person, third person, or electronic means, and may also restrict students from certain campus locations or activities as may be appropriate. Any party to Campus No Contact Orders may request a review for modification or discontinuance. No Contact Orders are also used as supportive measures. See here for more information on No Contact Orders:
<https://www.buffalo.edu/equity/support/obtaining-assistance/SupportiveMeasures/NoContactOrders.html>
 - F. Disciplinary probation with or without the loss of designated privileges for a specific period of time. The violation of the terms of disciplinary probation or the infraction of any University rule during the period of disciplinary probation may be grounds for suspension or expulsion from the University.
 - G. Temporary Suspension: Students may be temporarily suspended from the University if they have been part of an action that is deemed as a “clear and present danger” to themselves or others in the campus community. While temporarily suspended, students are not permitted to be on any campus grounds or to participate in any University functions. Students may request a review of a temporary suspension status.
 - H. Suspension from the University for a specific period of time
 - I. Expulsion from the University
 - J. Community Service
 - K. Permanent Transcript Notation.
 - i. For Student Code of Conduct violations and crimes of violence, including, but not limited to, hazing, murder, rape, criminal sexual contact, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), the University shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” The notation will be applied along with the date it was imposed.
 - ii. For the respondent who withdraws from the University while such conduct charges are pending, and declines to complete the disciplinary process, institutions may make a notation on the transcript of such students that they “withdrew with conduct charges pending.” The University may also choose to adjudicate such cases in a student’s absence.
 - iii. A suspended student may petition for the removal of a transcript notation after

- one (1) year from when the student's suspension term has ended.
- iv. Students suspended or expelled for committing the act of Rape shall receive a permanent transcript notation. The sole ground for appeal of any such transcript notation for a student found responsible for Rape shall be if the underlying finding of responsibility is vacated.
- v. Notations for expulsions shall not be removed.
- vi. A student transcript may be subject to a "disciplinary sanction" notation for other serious violations.
- vii. Transcript notations shall be removed in the event that the underlying finding is vacated.
- L. The University reserves the right to withhold degree conferral or transcript release when a student has conduct charges pending at the time of conferral.
- M. Other sanctions may be approved by the University's judicial bodies.
- 2. Students who receive a sanction of suspension or expulsion will not receive academic credit for the semester in which the suspension or expulsion occurred. In addition, students will be liable for all tuition and fees.
- 3. Sanction for Rape: Any student found responsible through the student conduct process for committing the act of Rape shall be issued the sanction of suspension or expulsion from the University. For any such student, if the Rape was forcible, meaning that the Rape was accomplished by physical force, threat, or drugging by the student, the student shall be issued the sanction of expulsion from the University.
- 4. Suspension or expulsion sanctions require final review by the President or a designee. If the violation involves a Clery Act crime of violence and the proposed sanction is less than expulsion, the decision-maker must provide the President or designee with a written justification.
- 5. More severe sanctions may result for repeat offenders.

Appeals

Guidelines for appeals can be found at the following websites:

- 1. [Administrative Hearings: https://www.buffalo.edu/studentlife/life-on-campus/community/rules/violations/administrative-hearing.html](https://www.buffalo.edu/studentlife/life-on-campus/community/rules/violations/administrative-hearing.html)
- 2. [Title IX Grievance Policy: https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/title-ix/TitleIXGrievanceProcedureforStudentRespondents.html](https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/title-ix/TitleIXGrievanceProcedureforStudentRespondents.html)
- 3. [Campus Living Community Standards Meetings: https://www.buffalo.edu/campusliving/for-current-students/living-together/guide-to-campus-living/campus-living-standards.html](https://www.buffalo.edu/campusliving/for-current-students/living-together/guide-to-campus-living/campus-living-standards.html)

ARTICLE 3: PROSCRIBED CONDUCT

Applicable Laws, Rules and Regulations

All rules of the Board of Trustees of SUNY, and all the laws of the City of Buffalo, the Town of

Amherst, the State of New York, and the United States of America apply to students when they are in those jurisdictions and are considered part of the Student Code of Conduct. The State of New York laws include, but are not limited to, the New York State Penal Law, the New York State Vehicle and Traffic Law, the New York State Education Law, and the Alcoholic Beverage Control Law.

Students should familiarize themselves with the entirety of this document, which includes University standards and administrative regulations. Other regulations may be established by University units pursuant of their missions. All of the rules and regulations in these chapters shall be considered as supplementing and implementing the appropriate rules of the Board of Trustees and city, state, and federal laws, and shall apply to all students.

All non-academic regulations should be submitted annually to the Vice President for Student Life for review for consistency and subsequent approval. Conspicuous posting and/or dissemination to students affected by the regulations is the responsibility of the individual issuing department. Any offenses arising out of any of the rules mentioned shall be considered proper matters for adjudication before the appropriate University disciplinary body.

General Conduct Rules and Regulations

Any student found responsible for committing the following misconduct is subject to disciplinary sanctioning:

1. **ALCOHOL** –
 - A. Use or possession of alcoholic beverages and/or public intoxication except as expressly permitted by law and/or University regulations.
 - B. Distribution of alcoholic beverages except as expressly permitted by law and University regulations.
2. **AMPLIFICATION** – Use of amplification/audiovisual equipment and/or interference with any public, office, library, classroom, or University function in any of the reservation facilities without prior approval.
3. **ANIMALS** – Possession or accompaniment of animals in any University building at any time. Exceptions include laboratory animals or animals needed because of a disability accommodation. Please see the UB policy library and the Guide to Campus Living for more information.
4. **ARSON** – Causing a fire or explosion, or unauthorized use of any potential incendiary device / equipment.
5. **ASSAULT** – Slapping, kicking, shoving or otherwise striking another person.
6. **ATTEMPT** – Attempting to engage in conduct which, if completed, would result in the violation of any rule applicable to the University.
7. **COMPLICITY** – Aiding, helping or otherwise assisting another in violating any rule applicable to the University.
8. **COMPUTER ABUSE** –
 - A. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - B. Unauthorized transfer of a file.

- C. Use of another individual's identification and password.
 - D. Use of computing resources or systems to interfere with the work of another student, faculty member or University official.
 - E. Use of computing resources or systems and/or e-mail to send obscene or abusive messages.
 - F. Use of computing resources or systems and/or e-mail to send unsolicited or unauthorized messages with the intention of reaching as many users as possible.
 - G. Theft or abuse of computer resources or systems.
 - H. Use of computing resources or systems and/or e-mail to interfere with normal operation of the University computing system.
9. **DATING VIOLENCE** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship is determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
10. **DEMONSTRATIONS** –
- A. Participation in a campus demonstration that disrupts the normal operations of the University and infringes on the rights of other members of the University community
 - B. Leading or inciting others to disrupt schedules and/or normal activities within any campus building or area
 - C. Intentional obstruction which unreasonably interferes with freedom of movement
 - D. Providing or dispensing of materials that could lead to harm or injury to a person, including but not limited to self-defense spray, objects that can be thrown, objects that can be used to deface property, etc.
11. **DESTRUCTION OF PROPERTY** –
- A. Destroying, defacing, materially altering or otherwise damaging property not their own. This includes, but is not limited to, doors, windows, swipe card mechanisms, restroom equipment, vending machine equipment, University transportation equipment, etc.
 - B. Creating a condition that endangers or threatens property not their own.
12. **DISCRIMINATION** – Discrimination of a person or group as prohibited by the University Discrimination and Harassment Policy, as outlined at the following website:
<http://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/discrimination-harassment.html>
13. **DISHONESTY** –
- A. Cheating, plagiarism, or other forms of academic dishonesty, as defined at the following website: <https://www.buffalo.edu/academic-integrity/policies.html>
 - B. Furnishing false information to any University official, faculty member, employee or office.
 - C. Forgery, alteration, or misuse of any instrument of identification including but not limited to driving licenses, passports, UB Cards, etc.
 - D. Forgery, alteration, falsification, or misuse of any University or Official document, supplies, or record, including but not limited to:

- i. Submission of a falsified universal grade change form to the University.
- ii. Submission of false grade information of any sort to a University office or department, employer, academic institution, etc.
- iii. Altering any academic coursework and or examinations so as to unjustly affect the grade awarded to that assignment.
- iv. Knowingly falsifying application information.

14. DISORDERLY CONDUCT –

- A. Conduct that is disorderly, lewd, or indecent.
- B. Breach of peace.
- C. Aiding, abetting, or procuring another person to breach the peace.

15. DISRUPTION – Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including its public-service functions on or off campus, or other authorized non-University activities.

16. DOMESTIC VIOLENCE – Any felony or misdemeanor crimes of violence committed by:

- i. Person who is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of New York.
- ii. Person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
- iii. Person who shares a child in common with the victim.
- iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York.

17. ELECTION TAMPERING – Tampering with the election of any recognized University student organization.

18. FIRE-SAFETY EQUIPMENT – Tampering with, or misuse of, fire alarms and firefighting equipment, including but not limited to fire extinguishers, fire hoses, heat and smoke detectors, sprinkler systems, etc.

19. GAMBLING – Gambling for money or other valuables on University premises.

20. HARASSMENT –

- A. Threatening or intimidating a person creating a rational fear within that person.
- B. Engaging in a course of conduct or repeatedly committing acts directed at another person which would seriously annoy a rational person.
- C. Creating a condition that endangers or threatens the health, safety or welfare of another person.
- D. Physically restraining or detaining another person, or removing any person from any place where they are authorized to remain.

21. HAZING (INDIVIDUAL AND ORGANIZATIONAL) - An individual student or group of students that intentionally, knowingly, or recklessly causes or creates an unreasonable risk of harm to another student as a requirement for initiation into, affiliation with, or continued membership of a recognized or unrecognized student organization, regardless of whether a student willingly participates. This may apply but is not limited to Greek organizations, student clubs, Student Government Associations, and athletic teams. Examples of hazing include but are not limited to:

- Whipping, beating, striking, electronic shocking, placing of a harmful substance on

someone's body, or similar activity;

- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, or Federal law; and
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, New York State, or Federal law.

In the case of students participating in a student organization unrecognized by the campus that contains two or more members that are students enrolled at the campus, such individual students may be subject to a charge or charges of hazing on an individual basis. [See here for more information on hazing.](#)

22. IMPAIRED DRIVING – Operating a motor vehicle while under the influence of drugs or alcohol.

23. JUDICIAL SYSTEM –

- A. Failure to obey the summons of a judicial body or University official.
- B. Falsification, distortion, or misrepresentation of information before a judicial body.
- C. Disruption or interference with the orderly conduct of a judicial proceeding.
- D. Institution of a judicial proceeding knowingly without cause.
- E. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- F. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
- G. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- H. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
- I. Influencing or attempting to influence another person to commit an abuse of the judicial system.

24. KEYS/ACCESS CARDS – Unauthorized possession, duplication or use of keys or access cards to any University premises, or unauthorized entry to or use of University premises.

25. LAWS – Violation of federal, state or local law. NOTE: A finding of a violation under this rule does not require proof of a conviction in any non-campus legal proceeding.

26. LEAVING THE SCENE – Attempting to flee or unlawfully leaving the area of an accident, crime, a University violation (and/or areas of potential accidents, crimes, or violations), or avoiding being apprehended or questioning the University or other law enforcement

agencies.

27. **LIBRARY PROPERTY** – Injury, defacement, destruction, or detention of (for more than thirty days following written notice from the University Libraries) any property belonging to, or deposited in, the University Libraries.
28. **MISREPRESENTATION** – Knowingly distorting or altering the truth for personal gain or favor.
29. **PHYSICAL VIOLENCE** –
 - A. Physical violence or abuse, including verbal abuse, threats, intimidation, harassment, coercion and/or other conduct that threatens or endangers the health or safety of any person.
 - B. Using self-defense spray when circumstances do not justify it.
30. **POSSESSION** –
 - A. Knowingly obtaining property, (including abandoned property), without the explicit authorization of the rightful owner.
 - B. Possession without authority of any University supplies or documents.
31. **REASONABLE REQUEST** – Failure to comply with a reasonable request of a University official, including but not limited to:
 - A. An individual instructing a class
 - B. A librarian or designee in a library
 - C. A University Police Officer
 - D. A Resident Advisor
 - E. A Residence Hall Director or Complex Director
 - F. A University staff person carrying out their duties and responsibilities.
32. **RULES** – Violation of published University policies, rules, or regulations.
33. **SEXUAL EXPLOITATION** – Occurs when a student takes non-consensual or abusive advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.
34. **SEXUAL HARASSMENT** – conditioning the provision of an aid, benefit or service of the institution on an individual's participation in unwelcome conduct, creating an unequal power dynamic in order to access educational programs or activities, or creating a hostile environment based on sex for individuals at the institution.
 - A. Quid Pro Quo: Any conduct on the basis of sex where an employee conditions the provision of an aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct.
 - B. Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the institution's education program or activity.
35. **SEXUAL ASSAULT** – Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
 - A. Rape: Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- B. **Criminal Sexual Contact:** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
 - C. **Incest and Statutory Rape:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or sexual intercourse with a person who is under the age of consent in New York State.
36. **SMOKING** – Includes but is not limited to use of cigarettes, cigars, pipes, e-cigarettes, and personal vaporizers or other devices used for "vaping." Prohibited on all University premises, including all vehicles owned, leased, and operated by the University.
37. **STALKING** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. This includes any action for which the purpose is to attempt to manipulate or control another person. Inappropriate actions may include, but are not limited to: phone calls, physical and/or verbal confrontations, breaking and entering (cars, apartments, lockers, etc.), vandalizing, etc.
38. **SUBSTANCES** –
- A. Use or possession of narcotics, controlled substances, and/or related paraphernalia except as expressly permitted by law. Possession or use of marijuana/cannabis on campus, including marijuana/cannabis obtained pursuant to a medical prescription, is a violation of federal law and therefore is prohibited.
 - B. Unlawful distribution or sale of narcotics, controlled substances, and/or related paraphernalia.
39. **THEFT** – Using, taking, and/or possessing property or services that are knowingly not their own with intention to deprive owner of his/her rights.
40. **TRAFFIC** – Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
41. **TRESPASS/UNAUTHORIZED ENTRY** – Knowingly entering or remaining in a building, office, residence hall room, apartment or any other University premises at any time without permission or authorization.
42. **WEAPONS** – Unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises.
43. **UNIVERSITY GROUNDS** –
- A. Use of University space and grounds by an organization or person without reservation of the space or proper authorization.
 - B. Operation of bicycles, skateboards, rollerblades, or other recreational items in any University building or facility.
 - C. Operation of bicycles, skateboards, rollerblades, or other recreational items in a reckless or unsafe manner on University grounds.
 - D. Storage of bicycles, skateboards, rollerblades, or other recreational items within any University building or facility without appropriate authorization.
 - E. Hoverboards and other electronically operated e-bikes and skateboard/scooter devices are prohibited.

ARTICLE 4: RULES OF THE SUNY BOARD OF TRUSTEES

The rules of the SUNY Board of Trustees and the Rules for the Maintenance of Public Order can be found online at the following websites:

http://www.suny.edu/board_of_trustees/pdf/policies.pdf and
http://www.suny.edu/sunypp/documents.cfm?doc_id=351.

ARTICLE 5: UNIVERSITY STANDARDS

The university is committed to the ideal of flexibility and diversity in the educational experience. Certain regulatory procedures are necessary, however, to ensure that the complex needs of a large student body in search of diverse educational goals are met efficiently and smoothly. As a condition of enrollment, students are responsible for reviewing, understanding, and abiding by the university's regulations, procedures, requirements, and deadlines as described in official publications, including the university's course catalog(s), UB websites, and official university e-mail communications. Asserting a lack of knowledge of university regulations will not be accepted as a basis for an exception to these regulations.

1. Academic Dishonesty: Definitions relating to academic integrity are located at the following websites: <https://www.buffalo.edu/academic-integrity.html>. Students in professional schools should see the policy of the school.
2. Discrimination and Harassment: The University at Buffalo prohibits discrimination and harassment and requires that accommodations be provided to individuals when such accommodations are reasonable and necessary as a result of an individual's victim status. The complete Discrimination and Harassment Policy is located online at the following website: <https://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/discrimination-harassment.html>.
3. Medical Excuses: Responsibility for class attendance and for completing assignments rests primarily with the student, who assumes this responsibility by communicating directly with faculty. The Appointment Verification Policy is located at the following website: <https://www.buffalo.edu/studentlife/who-we-are/policies/excuse-note-for-missing-class-or-work-policy.html>
4. Involuntary Leave of Absence: The University at Buffalo is committed to the safety, health and well-being of the campus community. The University recognizes that students may experience situations that significantly limit their ability to function successfully or safely in their role as students. In such circumstances, students should consider requesting a leave of absence. A leave of absence permits students to take a break from the University and their studies, so that they may address the issues that led to the need for the leave and later return to the University with an enhanced opportunity to achieve their educational goals. Students will be given the option to take a voluntary leave of absence before a decision is made with respect to an involuntary leave. The Involuntary Leave of Absence policy is located at the following website:
<http://www.buffalo.edu/studentlife/life-on-campus/community/rules.html>

5. Drugs, Narcotics, and Alcohol: Possession / sale without prescription / medical authorization of any narcotic, barbiturate, or other illegal or controlled substance is contrary to federal and/or state law. Any student found to be in illegal possession of drugs must be reported to the appropriate civil authorities and may also be subject to disciplinary action by the University. Information regarding Alcohol may be found in the Drug Free Schools & Communities Act section of this document. Possession or use of marijuana/cannabis on campus, including marijuana/cannabis obtained pursuant to a medical prescription, is a violation of federal law and therefore is prohibited.
6. Loitering and Trespassing:
 - A. Under New York Penal Law, Section 240.35, subdivision 5, a person is guilty of loitering when they loiter or remains in or about a school, college or University building or grounds, not having any reason or relationship involving custody of or responsibility for a pupil or student or any specific, legitimate reason for being there, and not having written permission from any person authorized to grant the same.
 - B. Under New York Penal Law, section 140.05, a person is guilty of trespassing when they knowingly enter or remain unlawfully in or upon premises.
 - C. Under New York Penal Law Section 140.10 a person is guilty of criminal trespass in the third degree when they knowingly enter or remains unlawfully in a building or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders.
7. Demonstrations & Assembling: The University at Buffalo has traditionally supported the right of its students, faculty and staff to peaceful protest. Always implicit is the understanding that demonstrators will not interfere with or violate the rights of others. The University supports individuals' rights to assemble. Public assemblies (protests, picketing, etc.) are permitted. For policies and regulations on demonstrations and assemblies, consult the University policy library. For more information see: <https://www.buffalo.edu/home/free-expression/policies-and-practices.html>
8. Facilities:
 - A. Food and Beverage: The possession of food and beverages is prohibited in any area so designated by the posting of appropriate signage. These areas may include, but are not limited to classrooms, lecture halls, laboratories, hallways, theaters, and areas within University Libraries.
 - B. Advertising and Posting: Advertising and posting are regulated on campus.
 - i. For specific policies and regulations about advertising and posting, consult the University policy library.
 - ii. Residence Halls and Apartments: Solicitation and Posting rules for campus residence halls and apartments are included in the Guide to Campus Living, located at the following website: <https://www.buffalo.edu/campusliving/for-current-students/living-together/guide-to-campus-living/campus-living-standards.html#200>
9. Smoking: The University at Buffalo supports an environment where its students,

employees, and visitors are not exposed to secondhand smoke. Therefore, smoking is prohibited on all university-managed property, both indoors and outdoors. The Smoke-Free Policy is located online at the following website:

<http://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/smoke-free.html>

10. Weapons and Explosives:

- A. It is a violation of New York State Law and/or University Regulations for a person to possess a rifle, shotgun, firearms, ammunition, firecrackers, or explosives in or upon the buildings or grounds of the University without appropriate written authorization from the appropriate University official. This includes roman candles or similar combustibles or explosives.
- B. No person, either singly or in concert with others, shall possess and carry, on any grounds or in any building of the University, an air gun, BB gun, paintball gun or other instrument or weapon in which the propelling force is air or carbon dioxide, knife, club, slingshot, or other thing adaptable to the purpose of a weapon, including batons, canes or similar articles, excluding only orthopedic aids, athletic equipment, and project or construction materials and tools on proof of a proper specific use or purpose on the day in question.
- C. No person hired for purposes of enforcing security, whether in lieu of or in addition to University Police officers, may have in their possession in or upon the buildings and grounds of the University any firearm or other deadly weapon without specific written authorization from the University official empowered to give such authorization.

11. Student Club and Organizations: The University at Buffalo recognizes that organized student groups are a valuable part of the student educational environment. Student organizations further the University's educational mission. They are responsible for making positive contributions to the primary educational mission of the University and are expected to encourage intellectual and social development of their members. The full Student Club and Organization University-Wide Recognition Policy is online at the following website: <https://www.buffalo.edu/studentlife/who-we-are/policies/student-club-and-organization-university-wide-recognition-policy.html>

ARTICLE 6: NOTIFICATION OF PARENT, GUARDIAN, OR EMERGENCY CONTACT FOR ALCOHOL AND CONTROLLED SUBSTANCE VIOLATIONS

This policy establishes the framework under which the University at Buffalo may notify a student's parent(s), guardian(s), or designated emergency contact(s) when a student under the age of 21 is involved in certain alcohol- or controlled substance-related violations or medical emergencies.

This policy promotes student health and safety, ensures transparency regarding notification practices, and clarifies how the university exercises its discretion under the *Family Educational Rights and Privacy Act* and applicable New York State law.

Alcohol/drug violation parental/guardian notifications may be made, as appropriate, by:

- Vice President of Student Life, or designee
- Dean of Students Office, or designee

- Student Conduct, Director, or designee
- Residence Halls and Apartments, Director or designee

The entire policy can be found here: <https://www.buffalo.edu/administrative-services/policy-compliance-and-internal-controls/policy/ub-policy-lib/notification-parent-alcohol-violations.html>

ARTICLE 7: ADMINISTRATIVE REGULATIONS

1. Violation of Law and University Discipline: University disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of this Student Code of Conduct. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

2. Family Educational Rights and Privacy Act (FERPA): The State University of New York at Buffalo complies fully with the Family Educational Rights and Privacy Act of 1974 in its treatment of student educational records. This Act was intended to protect the privacy of educational records, to establish the right of students to inspect and review their educational records, and to provide guidelines for the correction or deletion of inaccurate or misleading data.

The University's Access to Student Information (FERPA) policy explains in detail the procedures to be followed by the institution for compliance with the provisions of the Act. A copy of the policy is available in the University's policy library: <http://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/access-to-studentinformation.html>. For further information about FERPA, please see the following websites: <https://studentprivacy.ed.gov/ferpa>.

3. Directory Information: Unless otherwise notified in writing, the University has the students' permission to release directory information upon request and on its directory. To limit directory information release, complete the form at: <https://www.buffalo.edu/registrar/transcripts-and-records/personal-student-information/directory-information.html>
4. Freedom of Information Law: The University complies fully with the New York State "Freedom of Information Law" (Article VI, Public Officers Law, as amended effective January 1, 1978), which was enacted to assure public accountability of state agencies while protecting individuals against unwarranted invasions of personal privacy. Records are made available through the campus Records Access Officer. Persons seeking access to records maintained by the University are advised to contact the Records Access officer at this website: <https://www.buffalo.edu/administrative-services/policy-compliance-and-internal->

To appeal a campus denial of access, persons may contact:

FOIL Appeals Officer
Office of University Counsel
SUNY Plaza Albany, NY 12246

5. Change of Address: Each student is required to keep their official permanent mailing address as well as their Buffalo-area address updated on the My UB/Hub Student Center site. Failure to adhere to this requirement is a violation of the Student Code of Conduct (Article 3). In addition, when charges are brought against any student, the judicial bodies shall use the address listed in the HUB Student Center for service of process. Service of process for disciplinary purposes shall be deemed complete when notice is mailed to a student at the address furnished to the HUB Student Center site. Changes of address can be made electronically at the following website: <https://myub.buffalo.edu/>.
6. Identification Card: The student identification card, "UB Card," will be issued to a student at the time of their first semester of enrollment. This is a permanent card that will serve the student as long as they are a registered student at the University.

The UB Card serves as official identification as a University at Buffalo student and entitles the owner to a wide-range of services including library privileges, admission to home athletic events, and campus cultural events, participation in student-sponsored activities, voting in student elections, access to University buildings for which the student is authorized access, and can also be used as your dining service and declining balance card, a campus cash card and as a vending machine debit card.

UB Cards are non-transferable. Cards that are used illegally or inappropriately may be subject to confiscation by a University official. Since UB Cards also carry a variety of financial services, theft or misuse of a UB Card can lead to both campus and civil charges. Students accused of lending UB Cards and using another's UB Card will be charged with a violation of the Student Code of Conduct. As the official identification of student status, the UB Card should be carried at all times. Upon request by a University official, students are required to present their University UB Card. In the case of loss of the UB Card, a student should contact the UB Card Office located in 1Capen on the North Campus, and in 1Diefendorf on the South Campus. There is a fee for the replacement of the card.

7. Student Representative to the Council: Election rules and regulations, pursuant to State Education law, shall be provided to the Vice President for Student Life no later than February 1 of each year. These rules and regulations must be mutually agreed upon by the various student governments and will serve as the guide for electing the succeeding year's representative. Further information is available at the following website:
<https://www.buffalo.edu/studentlife/life-on-campus/clubs-and-activities/search.host.html/content/shared/www/studentlife/units/uls/student-engagement/signature-opportunities/university-council-representative.detail.html>
8. Absence Due to Religious Beliefs: No person shall be expelled from or refused admission to an institution of higher education for the reason that they are unable, due to religious beliefs,

to attend classes or participate in any examination, study, or work requirements on a particular day or days. For further details, please refer to the following website:

<https://www.buffalo.edu/equity/support/obtaining-assistance/obtaining-accommodations/religious-accommodations.html>

Under Federal and New York State law, reasonable accommodation must be made for any student who is unable to attend a regularly scheduled class or exam because of religious observance. Students who believe they have been denied a religious accommodation should contact the Office of Equity, Diversity and Inclusion at 716-645-2266 or Student Conduct at 716-645-6154. Further information is available at the following website:

<https://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/religious-accommodation-expression.html>.

9. Environmental Health and Safety: Health related aspects of the environment and matters of personal and general safety are the function of the Office of Environmental Health and Safety.
 - A. Assistance is offered and concern is exercised in the areas of radiation safety, laboratory biohazards, occupational health and safety, academic programs, extracurricular activities, housing, fire drills, food service sanitation, fire protection, eye safety, insect control, accident investigation, emergency practices training programs, public assemblies and student assemblies.
 - B. Environmental Health and Safety rules are not reposed in a single document but consist of policies and procedures promulgated by the Environmental Health and Safety Committee, rules adopted by the University at Buffalo, laws of Federal, State, and Governmental sub-divisions, and standards published by professional and technical societies.
 - C. Information, advice, and assistance on matters of environmental health and safety is available on the Office of Environmental Health and Safety website:
<https://www.buffalo.edu/administrative-services/managing-facilities/environment-and-safety.html>.
10. Immunization and Meningitis Requirements: Students are required to comply with all immunization requirements as defined under the New York State Public Health Law and federal, state and local authorities. Specific information about these requirements is available online at the following website: <https://www.buffalo.edu/studentlife/who-we-are/departments/health/immunization.html>.
11. Health Insurance for required groups: There are health insurance requirements for certain student groups. Students are responsible for knowing and understanding health insurance requirements which are outlined at the following website:
<https://www.buffalo.edu/studentlife/life-on-campus/health/medical-care/health-insurance.html>
12. Electronic Communications: All University at Buffalo students are expected to regularly access their UB e-mail accounts and MyUB, which is located at the following website: <http://myub.buffalo.edu>. As a condition of enrollment, all students are responsible for reviewing, understanding, and abiding by the University's regulations, procedures, requirements, and deadlines and any changes thereto. Important news bulletins and other

details that affect an individual's status and day-to-day life at the University also will be communicated via MyUB and UB e-mail. Students are also expected to use their UB e-mail account to communicate electronically with all University offices, faculty and staff. Information about UB e-mail accounts is available at this website: <http://www.buffalo.edu/ubit.html>.

13. Credit Card Policy: The University at Buffalo prohibits the on-campus advertising, marketing, or merchandising of credit cards to students.
14. Affirmation of the University at Buffalo's Rules and Regulations: The State University of New York requires that all University at Buffalo students affirm the University's Student Code of Conduct. Affirmation must be confirmed in order for class registration to occur.
15. Photographs: Photographs and videos of members of the University community are taken regularly, and are subsequently used for a variety of informational and promotional purposes. If you do not want your image to be used in this manner, it is your responsibility to advise the photographer/videographer accordingly. Should you choose to have any media asset in which you are depicted removed from the University's media repository, please contact University Communications at the following e-mail: ub-ucum@buffalo.edu.

ARTICLE 8: PARKING AND TRAFFIC REGULATIONS

A copy of the complete State University of New York at Buffalo Traffic and Parking Regulations may be obtained from Parking and Transportation, 106 Spaulding Quad, North Campus, or Harriman Hall, South Campus.

All faculty, staff and students will be issued a Vehicle Registration Permit upon the completion of vehicle registration and the payment of the required fee(s).

Parking is prohibited at all times on the roadways (except as posted), sidewalks, lawns, grounds, lanes, and throughways of parking areas. The University may have illegally parked vehicles towed away at the owner's expense. All unpaid parking tickets, towing charges, and storage costs will be the responsibility of the owner and must be paid before the vehicle is released.

The University at Buffalo's transportation is reserved for our students, faculty, staff, and guests. Visitors attending programs or meetings at this University are welcomed.

For your safety, all riders must have identification. UB cards, our affiliate institution's identification or event/program confirmations are required.

For additional information on vehicle registration, permits, permanent or temporary handicapped parking permits, parking policies, parking fines, parking penalties, and liabilities, please visit the following website: <https://www.buffalo.edu/parking.html>.

ARTICLE 9: STUDENT ACADEMIC RECORDS & FINANCIAL SERVICES

1. Method of Billing: The University at Buffalo uses electronic billing (e-Bill) as its official billing method, and therefore students are responsible for viewing and paying their student account e-Bill by the scheduled due date. Failure to review the e-Bill does not constitute a valid reason for not paying the bill on time. e-Bill information is available at the following website: <https://www.buffalo.edu/studentaccounts/billing.html>.
2. Payment of Fees: When students register for any class at the University at Buffalo, they accept full responsibility to pay all tuition, fees and other associated costs assessed as a result of their registration. Students must drop any courses before the semester starts or during the first week of classes to remove all tuition liability. Non-attendance in classes will not remove student liability.
3. Dropping/Withdrawing from Courses: Students may be responsible for partial or full tuition and fee liability when dropping courses. If a student wishes to drop a course, or formally withdraw from the University, they must login to the MyUB student portal, drop course(s) and follow all withdrawal procedures. Non-attendance of course(s) for which a student is registered does not constitute a withdrawal from the course(s). Students understand enrollment changes may impact their financial aid, and they have reviewed the tuition liability schedule and withdrawal procedures. The financial liability schedule is available at the following website: <http://www.buffalo.edu/studentaccounts/billing/financial-liability-deadlines.html>. The withdrawal procedures are available at the following website: <http://registrar.buffalo.edu>. Financial aid information is available at the following website: <http://www.financialaid.buffalo.edu>.
4. Financial Hold: If a student fails to pay their student account bill or any monies due and owing the University at Buffalo by the scheduled due date, the University at Buffalo will place a financial hold on their student account. This hold prohibits registration and the sending of diplomas.
5. Late Payment Charge: If a student fails to pay their student account bill or any monies due and owing the University at Buffalo by the scheduled due date, the University at Buffalo will assess an administrative and/or late payment fee per billing cycle on the past due portion of their student account until the past due account is paid in full.
6. Collection Policy and Fees: If there is an unpaid balance on a student's account at the end of the semester, the account could be subject to additional collection activity. The University may refer a delinquent account to a collection agency and/or the New York State Attorney General's Office. Students are responsible for paying the collection agency fee and the assessment of additional interest and fees that may be added to the outstanding account balances referred to collection.

For information about residency requirements, tuition and fees, and your university account, see at the following web sites: www.buffalo.edu/studentaccounts or <http://www.registrar.buffalo.edu>. For information about the university comprehensive fees,

see the following website: www.buffalo.edu/studentaccounts/tuition-and-fees/broad-based-fees/comprehensive-fee.

ARTICLE 10: COMPLIANCE STATEMENTS

1. Sexual Misconduct Compliance Statement: SUNY and UB are committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving dating violence, domestic violence, sexual violence, stalking, sexual harassment, coercion, and intimidation will not be tolerated. The following statements are prepared in compliance with Article 129 of the Education Law, SUNY policies on sexual violence, and in accordance with Title IX/ VAWA regulations from the US Department of Education/Office of Civil Rights.

Students are encouraged to read through each policy carefully, as they contain specific information including but not limited to reporting procedures, resources and student rights.

- A. [Sexual Violence Response Policy](https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/sexual-violence-reponse-policy.html): The Sexual Violence Response policy is located at the following website: <https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/sexual-violence-reponse-policy.html>
- B. [Options for Confidentially Disclosing Sexual Violence](https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/confidentiality-and-reporting-protocol.html): Options for confidentially disclosing sexual violence are located at the following website: <https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/confidentiality-and-reporting-protocol.html>
- C. [Students' Bill of Rights](https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/sexual-violence-victim-survivor-bill-of-rights.html): The Students' Bill of Rights is located at the following website: <https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/sexual-assault--domestic-violence--dating-violence-and-stalking/sexual-violence-victim-survivor-bill-of-rights.html>
- D. [Campus Disciplinary Action](https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/title-ix/TitleIXGrievanceProcedureforStudentRespondents.html): For allegations that meet the geographic scope and definition of sexual harassment under the Title IX of the Education Amendments of 1972 regulations issued by the U.S. Department of Education on May 19, 2020, the University's [Title IX Grievance Procedure for Student Respondents](https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/title-ix/TitleIXGrievanceProcedureforStudentRespondents.html) will apply: <https://www.buffalo.edu/equity/support/obtaining-assistance/sex-discrimination-and-sexual-harassment/title-ix/TitleIXGrievanceProcedureforStudentRespondents.html>

Other sexual misconduct allegations (ex. sexual exploitation, non-covered sexual harassment; charges brought by non-UB students) will be considered in accordance with UB's [Administrative Hearing Procedures](https://www.buffalo.edu/studentlife/life-on-campus/community/rules/violations/administrative-hearing.html) found at the following website: <https://www.buffalo.edu/studentlife/life-on-campus/community/rules/violations/administrative-hearing.html>.

F. Good Samaritan/Amnesty Policies:

- i. Sexual Misconduct: The health and safety of every student is of utmost importance. The University at Buffalo recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University at Buffalo strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to University at Buffalo officials or law enforcement will not be subject to the University at Buffalo's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.
- ii. Hazing: University at Buffalo recognizes that students are sometimes reluctant to report hazing activity, due to a fear of potential consequences for their own conduct. For this reason, the University has adopted an amnesty policy which states that a student who acts in good faith to report activity that may fall within the definition of hazing and/or a victim who cooperates fully as a witness in the investigation and disciplinary process may not be subject to student conduct sanctions related to their own participation in hazing behavior and other behavior including related to alcohol and/or drug violations, as determined by the University in its sole discretion.

In the event amnesty is granted for self-reported behaviors, if evidence is presented that the student has continued to engage in hazing behaviors or has knowledge of hazing activity that was not reported, they may be held accountable for past behavior. Students who choose to report and request amnesty for their own conduct should know that amnesty does not apply to any criminal or civil action that may be taken by any law enforcement agencies, including University Police.

Further information regarding the general Good Samaritan Policy can be found at this website: <http://www.buffalo.edu/studentlife/life-on-campus/community/safety/good-samaritan-policy.html>.

- G. Definition of Affirmative Consent: Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

H. Information on Security Procedures: The campus community is advised and updated on safety and security through a variety of methods. These include publication of the Annual Security report, which focuses on crime awareness and personal safety. The report is printed annually and can be found at the following website:
<http://www.buffalo.edu/police/reporting/see-a-report/annual-report.html>.

In addition, the University Police Department widely distributes other publications on security issues, including Safety Awareness, Preventing Acquaintance Rape, and Public Safety. Notification is also made to the campus community, as appropriate, on specific threats to campus safety through campus media, publications, posters, and other methods.

2. Bias Crimes Prevention Compliance Statement: It is a University at Buffalo Police mandate to protect all members of the University community by preventing and prosecuting bias or 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 race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability. Perpetrators who are students will be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, the University Police assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member or group within the University at Buffalo community based on race, color, national origin, sex, religion, age, disability, gender, pregnancy, gender identity, gender expression, sexual orientation, predisposing genetic characteristics, marital status, familial status, veteran status, military status, domestic violence victim status, or ex-offender status, may be addressed through the University's

Discrimination and Harassment Policy or the campus conduct code. Bias incidents can be reported to the University Police as well as to the Office of Equity, Diversity, and Inclusion.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to University Police by calling 716-645-2222 in an emergency, using a Blue Light telephone, or stopping by Bissell Hall. University Police will investigate and follow the appropriate adjudication procedures. For all other bias-related incidents, call the Dean of Students Office at 716-645-2982. The Dean or Students or designee will contact appropriate offices and departments for responses and follow-up.

For general information on University at Buffalo security procedures, see the following website: <http://www.buffalo.edu/police.html>. More information about bias-related and bias crimes, including up-to-date statistics on bias crimes is available from the University Police at 716-645-2222.

3. Violent Felony Offenses/Missing Student Compliance Statement: The University at Buffalo Police department has a plan for the investigation of any violent felony offense occurring at or on the grounds of the University at Buffalo Campuses. In addition, they have a plan for the investigation of a report of a missing student. The investigation of such crimes shall be done in coordination with local law enforcement agencies. The University at Buffalo has written agreements with appropriate local law enforcement agencies providing for the prompt investigation of such crimes and reports. For more information relating to violent felony offenses or missing students please contact the University Police Department at 716-645-2222.
4. Felony and Misdemeanor Notification: It is the obligation of every student to notify Student Conduct of any felony or misdemeanor arrests occurring at any time after the student pays their admissions deposit through graduation or separation from the institution, regardless of geographic location of the arrest or specific crime alleged. Failure to do so may result in conduct charges by the University. The University may review the facts underlying the arrest to determine if there is a corresponding policy violation.
5. Advisory Committee on Campus Security Compliance Statement: The University at Buffalo has instituted a Police Advisory Committee that has student, faculty and staff membership. This committee reviews campus security policies and procedures and issues of related to personal safety and makes recommendations for their improvement. For more information on the Police Advisory Committee please contact the University Police Department at 716-645-2222.
6. Crime Statistics Availability Statement (Clery Statement): The University at Buffalo is committed to assisting all members of the University community in providing for their own safety and security. The annual security and fire compliance document is available on the University Police website at: <http://www.buffalo.edu/police/reporting/see-a-report/annual-report.html>.

A copy of the State University of New York at Buffalo campus crime statistics as reported annually to the U.S. Department of Education will be provided upon request by the campus Police Advisory Committee or you can access the crime statistics directly by

going to the following website: <http://www.buffalo.edu/police.html>.

Printed copies are available upon request by contacting. The University Police Department at Bissell Hall, Buffalo, NY 14260 or calling the Office of the Chief of Police at 716-645-2227.

Information regarding the University's emergency management and alerts can be accessed by going to the following websites: <http://emergency.buffalo.edu/> and <https://www.buffalo.edu/administrative-services/emergency-management/where-to-find-emergency-information.html>

Information can also be obtained from the U.S. Department of Education website at: <https://ope.ed.gov/campussafety>.

This information is required by law and is provided by the University at Buffalo Police.

7. Child Protection Compliance Statement: Pursuant to the policies of the State University of New York and the University at Buffalo, students must act appropriately when interacting with children on campus, and must report suspected child abuse and inappropriate conduct toward children occurring on University premises or in University programs. Under UB's Child Protection Policy, students and employees must:

- Engage in appropriate conduct when working with children.
- Remove a child from a dangerous situation immediately.
- Report inappropriate conduct in an activity to the responsible UB official who approved the activity.
- Report suspected child abuse to University Police (716-645-2222) and the Office of Equity, Diversity and Inclusion (716-645-2266) immediately. When working in an off-campus location, suspected child abuse should be reported to local law enforcement officials and EDI.
- Obtain visitors' written acknowledgement of their obligation to follow this Policy when approving access to University facilities for events/activities that include children.

UB's Child Protection Policy can be found at the following website:

<http://www.buffalo.edu/administrative-services/policy1/ub-policy-lib/child-protection.html>

More information can be found at the following website:

<http://www.buffalo.edu/home/child-protection.html>.

8. Prior Felony Conviction Policy: Questions regarding criminal history are not included on admissions applications. Students seeking programs or services like campus housing, credit-bearing clinical field experiences or internships, or study abroad programs may be required to disclose prior felony convictions. The Prior Felony Conviction Policy outlines a review process and can be found online at: <https://www.buffalo.edu/studentlife/life-on-campus/community/rules.html>

9. Drug-Free Schools and Community Act: The State University of New York at Buffalo is

committed to clear and concise policies on substance abuse, and a strong program of counseling, treatment, rehabilitation and re-entry programs for all campus University employees and students. More information about the Drug-Free Schools and Community Act is online at: <https://www.buffalo.edu/studentlife/who-we-are/departments/conduct/drug-free-schools-and-community-act.html>

10. Confidentiality: The University will protect the privacy of all parties to a complaint or other report of sexual misconduct or crimes of violence to the extent permitted by law. Please note that both the Family Educational Right to Privacy Act (FERPA) and the Freedom of Information Law (FOIL) have provisions that may affect the release of information related to campus disciplinary proceedings. When the University receives complaints of sexual misconduct or crimes of violence, the university has an obligation to respond in a way that limits the effects of the misconduct and prevents its recurrence. Information will be shared as necessary in the course of an investigation with people who need to know, such as investigators, witnesses, and the accused. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. Staff at certain resources are obligated by law to maintain confidentiality, including the counseling center and the local crisis center off-campus.
11. Cross-Registered Students: Cross-registered students must notify the University of any student conduct violations they receive at their home institution. A cross-registered student who is suspended or expelled by their home institution will be removed from enrollment at the University at Buffalo, subject to the same terms and conditions imposed by the home institution.

Questions related to the Student Code of Conduct should be directed to:

Student Conduct

9 Norton Hall

Phone: 716-645-6154

E-mail: ub-conduct@buffalo.edu