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INTRODUCTION

This is the Code of Student Responsibility, which is referred throughout this document as the Code. The Code is applicable to all SUNY Korea students, including any person who has accepted admittance to the University, undergraduates, graduates, professional students, and certificate program participants, matriculated and non-matriculated students, regardless of number of credits the person is enrolled in. This Code provides the policies and procedures governing student behavior at SUNY Korea.

Policies make it possible for people to live together and function in an orderly way, protecting the rights of the community while respecting the rights of each individual. You should be able to carry on your daily business safely, peacefully, and productively while at SUNY Korea; these policies and procedures have been designed to help accomplish this. The Code is intended to provide you with the University's expectations and also to support compliance with the state and federal laws related to matters such as those involving drugs, alcohol, weapons, discrimination, sexual assault or abuse, and racial, sexual, or sexual-preference harassment.

This Code is not the only source of rules or regulations governing student conduct at SUNY Korea. Students must also follow applicable policies found in the University Policy Manual, and rules issued by the Academic and Student Affairs and Incheon Global Campus (IGC) Foundation¹ (including the Term of Occupancy²). Students should also familiarize themselves with academic integrity policies and the University's research misconduct policy (see Academic Dishonesty and Research Misconduct information in the Appendix). All students should become familiar with these important items. All University policies and related documents may be accessed through the SUNY Korea website³.

PREAMBLE

The following statements of policies and procedures are collectively known as the Code of Student Responsibility ("Code").

Fundamental to the achievement of community among the members of the University is the recognition by all such members that each shares a responsibility to observe University policies. This obligation, which is an extension of the citizen's responsibility to observe the law of the land, is an essential corollary to participation in the academic rights afforded to members of the University.

Conduct appropriate to a student at SUNY Korea promotes the individual's own academic pursuits and contributes to meeting the community's educational objectives. An individual's conduct becomes a concern of the University if it adversely affects the academic interests of other members of the University community or the University's pursuit of its educational priorities. It is thus not the purpose of the University policies to duplicate the public statutes. The University cannot and does not condone violations of law and clearly recognizes that the laws of the land operate in full force on its campus. It also reserves its own special authority for the conduct policies that affect its particular interests as an academic community. Violations of national and local law that occur within the jurisdiction of SUNY Korea may be subject to the University's disciplinary process.

If a violation of law occurs on campus it is also a violation of University policy and the University may institute proceedings against the Respondent(s). Such action by the University is independent of and may proceed in parallel with civil or criminal action.

As a general rule, violations of this Code and the sanctions that may be imposed will not be routinely reported to parents. However, in the case of serious violations of national and local law of Korea, including alcohol and other drugs violations, or when instances of medical/psychological emergencies come to the University's attention, the University may notify the parents in cases where it is believed the student might benefit.

The University finds the following categories of violations of this CODE extremely serious:

1. **Any unauthorized use of a master or control key.**
2. **Attempts to set or intentionally setting fire that may result in damage or injury.**
3. **Brandishing, threatening or injuring with a weapon (including but not limited to, knives, switchblades, swords, firearms, pellet or bb guns, air pistols/rifles, chukka sticks, throwing stars, batons, nightsticks, spears and spear guns, fireworks or explosives, chemicals, and bows and arrows).**
4. **Discrimination on the basis of sex/gender, which includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and/or penetration, non-consensual physical violent contact during a consensual sexual contact, domestic violence, dating violence, and particular instances of stalking.**
5. **Discriminatory or bias-related acts of assault or abuse.**
6. **Endangering mental or physical health (hazing) as defined in III.A.1.g. and III.A.9.b.**
7. **False fire alarms, acts that undermine safety/security equipment or systems, or other acts which compromise the security of the campus community.**
8. **Physical assaults resulting in injury requiring medical attention.**
9. **Sales or possession of a saleable quantity of illegal drugs as defined by law.**
10. **Theft of property that exceeds \$1,000 in value and/or intentional damage to property resulting in repair or replacement costs in excess of \$1,000.**
11. **Unauthorized use of computing and network facilities.**

¹ <http://iqc.or.kr>

² <https://housing.iqc.or.kr/about/regulations.do>

³ <http://www.sunykorea.ac.kr>

12. Violations of the campus alcohol and/or other drugs policy that result in injury, damage to property, or undermine the safety and security of the campus.

For these categories of violations, the sanction will ordinarily be SUSPENSION and/or EXPULSION from the University. In such cases, the Exceptional Procedure of INTERIM SUSPENSION (found in Section II) may also be invoked.

I. DEFINITIONS

- A. Advisors:** Complainants or Respondents may each select an advisor of their choice to accompany them during any proceeding. Advisors for either party may only advise or assist but may not engage in any verbal presentation or questioning. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated in this Code.
- B. Complainant:** any member of the University community or visitor to the campus who initiates and/or later presents such a complaint against a student to a designated University official. A University official may serve as a Complainant on behalf of others in enforcing the terms of this Code.
- C. Guest:** someone who is visiting a student.
- D. Hearing Officer:** a designated University official who is authorized to preside over the hearing process and impose sanctions, when appropriate.
- E. Longer Term Guest or Live-in Guest:** someone whose host is a resident. Their host must hold a valid contract and must have been granted permission, in writing, for their spouse, domestic partner and/or their dependent children only, to be eligible to live with them in their apartment. Permission may only be granted by Academic and Student Affairs.
- F. Party:** refers to either the Complainant or Respondent.
- G. Preponderance of the Evidence:** standard applied to determine whether it is “more likely than not” that an incident occurred and/or policy was violated.
- H. Vice President and/or Dean of Academic and Student Affairs:** as used within this Code, the terms shall be deemed to mean and include any person authorized to exercise the powers of those officials by designation or during a vacancy of their positions or during the absence or disability of the incumbent.
- I. Resident:** is someone who is properly assigned to a room in a residence hall or on-campus apartment. All residents are subject to the provisions in the Code.
- J. Residential Guest:** someone who is visiting a residential student and who is not a contracted resident of the specific room, residence hall, or apartment.
- K. Residential Host:** any resident student who has a residential guest in the residence facilities.
- L. Respondent:** any University student or resident who is charged with an alleged violation of the Code.
- M. Staff Members:** qualified to act on behalf of the University in matters pertaining to conduct in the residence halls or apartments including: Team Leader of Student Services and Career Team, Residence Hall Directors, staff from the Incheon Global Campus Housing and student staff including, but not limited to, Graduate/Resident Assistants.
- N. Student:** any person who has accepted admittance to the University for student status or who is currently registered or enrolled as an undergraduate, graduate, professional student, or certificate program participant, whether matriculating or non-matriculating, full-time or part-time, resident or commuter, paid or delinquent, or who has a pending appeal of an academic dismissal or student conduct matter. Such a person shall also be considered a student during intercession/summer periods and at University-sponsored commencement events in which he or she is a participant.
- O. University Official:** Unless otherwise specified, this term shall include faculty or staff members (e.g., Team Leader of Student Services and Career (or designee), Residence Hall Directors, Professors of the Residential College Program) exercising their assigned duties and may include student staff such as Graduate/Resident Assistants; other students acting in an assigned official capacity on behalf of the University; and other authorized agents of the University, which may include staff or campus-related organizations or University contractors or sub-contractors (e.g. food-service vendor) when acting in their official capacity.
- P. Vice President and/or Dean of Academic and Student Affairs and Professors of the Residential College Program:** Either University Official shall designate “University and Residential Hearing Officer(s)” for the purposes of administrative hearings. Both University and Residential Hearing Officers are responsible for carrying out the provisions of the Code, unless this responsibility is otherwise assigned.

II. EXCEPTIONAL PROCEDURES

Students are expected to maintain a reasonable level of concern for their own self-welfare as well as for the safety and well-being of others. Individuals whose behavior is alleged to pose a threat to the health and safety of themselves or others or to significantly disrupt University activity may be in violation of the Code. The University may use extraordinary procedures to protect the safety and well-being of the student and others. Such measures include, but are not limited to: family/parental notification, mandated assessment and/or temporary or permanent separation from the University. The following fall under exceptional procedures:

1. Interim Suspension

Upon receipt of credible allegations of University Conduct Code violations, the President or designee may suspend a student or students on an interim basis whenever the continued presence of such students would constitute a danger to the student or to the safety of persons or property on the premises of the institution, or their presence would pose a threat of disruptive interference with the normal conduct of the institution’s activities and functions, or the seriousness of the charges warrants such action. The interim suspension may apply to a portion of the University or the entire campus. Students who wish to appeal an interim suspension may submit a written appeal within seven (7) days to Academic and Student Affairs or designee to address the alleged violations and demonstrate the basis for the interim measure is not warranted. The information will be reviewed and responded to in a timely manner. The designated University official may

require individual meetings with the parties involved before making a decision. Upon review, the interim measures may be upheld, rescinded, or modified. Students must be in compliance with the terms of their interim measures at the time of their request for such a review. Students who do not exercise their right to appeal their Interim Suspension or whose appeal is denied will be academically withdrawn from the University pending the outcome of the student conduct process.

2. Interim Suspension from Incheon Global Campus Housing

Upon receipt of credible allegations of University Conduct Code violations, the Vice President and/or Dean of Academic and Student Affairs (or designee) and Professor(s) of the Residential College Program (or designee) may suspend a student or students from the residence halls/apartments pending the hearing and determination thereof, whenever the continued presence of such a student would constitute a danger to the student or to the safety of persons or property in the residence halls/apartments, or would pose a threat of disruptive interference with the normal conduct of residence hall/apartments activities and functions; or the seriousness of the charges warrants such action. The interim suspension may apply to all residence facilities, an individual residence hall/apartment or any portion thereof, and to student's enrollment in the relevant fall or spring semester. Students who wish to appeal an interim residence suspension may submit a written appeal within seven (7) days to Academic and Student Affairs or designee to address the alleged violations and demonstrate the basis for the interim measure is not warranted. The information will be reviewed and responded to in a timely manner. The designated University official may require individual meetings with the parties involved before making a decision. Upon review, the interim measures may be upheld, rescinded, or modified. Students must be in compliance with the terms of their interim measures at the time of their request for such a review.

3. Campus Housing Temporary Reassignment and Restriction

Upon receipt of credible allegations of University Conduct Code violations, the Vice President and/or Dean of Academic and Student Affairs (or designee) and Professor(s) of the Residential College Program (or designee) may temporarily reassign a resident to another facility and/or restrict a resident from specific University facilities pending an investigation and/or hearing whenever the continued presence of a resident in a particular campus facility would constitute a danger to the student or to the safety of persons or property in the residence halls/apartments and campus facilities, or the seriousness of the allegations warrants such action. The Dean of Academic and Student Affairs shall grant an immediate review (by the end of the next business day after the temporary reassignment and/or restriction) on request of any resident so reassigned and/or restricted with respect to the basis for such a reassignment and/or restriction. Students must be in compliance with the terms of their interim reassignment/restriction at the time of their request for such a review.

4. Temporary Restriction from Personal Contact

The Vice President and/or Dean of Academic and Student Affairs (or designee) and Professor(s) of the Residential College Program (or designee) may temporarily restrict a student from any personal, verbal, written, telephone and electronic contact with another person pending an investigation and/or hearing whenever the contact could constitute a danger to the person or to the safety of the person or property, or the seriousness of the allegations warrants such action. Any student so restricted may obtain an explanation of the basis for such restriction upon request.

5. Withdrawal Prior to Hearing

Any student who withdraws or fails to return to the University while disciplinary action is pending or fails to appear for a scheduled hearing will be ineligible for readmission, registration, receipt of a transcript, or diploma until the outstanding matter is resolved. The University reserves the right to formally restrict individual(s) from campus grounds while such disciplinary action is pending. Any further readmission/re-entry to the University would require an appeal in writing to the Dean of Academic and Student Affairs (or designee) and approval by the Dean of Academic and Student Affairs (designee).

6. Mandated Assessment

The Dean of Academic and Student Affairs (or designee) may direct a student to participate in an individualized psychological and/or medical assessment whenever the behavior of the student is alleged to pose a threat to the health and safety of themselves, or others, or to significantly disrupt University activity. The assessment process is designed to assess the factors which contributed to the student's behavior and to assist the student in accessing resources in order to maintain appropriate behavior. Failure to respond to a directive from a University official to complete the mandated assessment process by the date requested may result in administrative action, up to and including temporary suspension from the University or the Incheon Global Campus Housing until the assessment and requirements are met.

a. Withdrawal Prior to Mandated Assessment

Student, who leave (including voluntary leaves of absence for medical reasons), withdraw, are administratively suspended/withdrawn, or fail to return to the University before an assessment has been completed may not be permitted to register for classes or return to University until the outstanding matter is resolved.

b. Withdrawal by Administrative Action

The Dean of Academic and Student Affairs (or designee) may initiate and approve procedures for the administrative withdrawal of any students from the University and/or campus housing if they engage in behavior that either poses a threat to the health and safety of the student or others, or significantly disrupts University activity. An administrative withdrawal determination shall be made by the Dean of Academic and Student Affairs (or designee). Students may appeal the withdrawal through the submission of a written appeal to the Dean of Academic and Student Affairs (or designee) supported by medical and/or mental health professional documentation. Administrative withdrawal actions may be reconsidered by the Dean of Academic and Student Affairs (or designee) at regular intervals upon the written request of the student. The Dean of Academic and Student Affairs (or designee) may elect to appoint an independent medical and/or mental health professional or a panel of professionals to provide advice to the Dean of Academic and Student Affairs (or designee) with respect to administrative withdrawal determinations.

c. Return to the University

Students who leave the University prior to the completion of the assessment process, whether the leave is voluntary or involuntary, may return to the University or campus housing when the following steps have been completed:

- i. The University has completed an individualized assessment(s) for the purpose of evaluating the readiness to return to the University.
- ii. The Dean of Academic and Student Affairs (or designee) has approved the decision to permit the student to register for classes, return to University, and/or live in a campus residence.

d. Application of Code

The application of these assessment procedures will not preempt disciplinary action under the terms of this Code. If the behavior in question continues, the individual may be subject to the procedures outlined in the Code, or may elect to withdraw voluntarily.

7. Good Samaritan Policy

The University recognizes that students may be reluctant to seek medical attention for themselves or others, for incidents related to alcohol or drug consumption, due to a fear of potential consequences for their own conduct. Therefore, the University has adopted this Good Samaritan Policy to encourage students to seek medical assistance where the use of alcohol or other drugs may result in the endangerment of themselves or another. Under the Good Samaritan Policy, the student for whom assistance is sought and a bystander acting in good faith who discloses to SUNY Korea officials an incident of alcohol, or drug use, may not be subject to University sanctions for violations of alcohol or drug policies. This means that in most instances, if a student acts with intent to assist or restore the well-being of a student at risk due to alcohol or drug usage, neither party will be subject to University sanctions for drug or alcohol violations.

III. STUDENT CONDUCT POLICIES AND PROCEDURES

A. General University Policies

1. Respect for Persons

Treating people with respect means acting in a manner that supports the safety, freedom and well-being of others. The nature and history of the relationship between the parties involved in alleged violations of this Code shall in no way diminish the seriousness of incidents. The following violations are specifically prohibited:

- a. **Offenses against persons:** No student shall threaten, assault, haze, intimidate, bully or otherwise physically, psychologically, verbally, or in writing by electronic means or otherwise, abuse any other person. This includes, but is not limited to, incidents of bias-related acts of assault or abuse, or any incidents of verbal, written, physical, psychological harassment or abuse. No student shall post or distribute disparaging or compromising images of another, altered or otherwise or post denigrating text on, but not limited to, the following modes: internet websites or newspapers, without the express consent/authorization of the other individual. No student shall retaliate against another member of the community for bringing forth a complaint or serving as a witness.
- b. **Stalking:** Students shall not engage in stalking. The term stalking means intentionally engaging in a course of conduct, directed at a specific person(s), which is likely to cause a reasonable person to fear for their safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means (cyberstalking), with such person(s) in a manner likely to harass, intimidate, annoy, create nuisance or alarm.
- c. **Dangerous conditions:** Students shall not create a condition that endangers or threatens the safety or well-being of themselves or others. This includes but is not limited to the misuse of devices such as box cutters, laser pointers, paintball guns, and compromising fire and security systems. All wheeled modes of transportation or motor vehicles, with the exception of handicapped service equipment, are prohibited within the confines of any University facility.
- d. **Interference:** Students shall not interfere with the right of any person to go where they have a right to go or remain where they have a right to remain on University property. Students shall not intentionally prevent any person from doing anything they have a right to do, or require any person to do anything they have a right to refrain from doing.
- e. **Weapons and dangerous objects:** Student shall not use with intent to injure, or threaten another with any instrument, device, or object capable of inflicting physical harm or death. Students are also prohibited from possessing any weapons (even if they possess a license).
- f. **Discrimination:** Students shall not violate the rights of or deny the privileges of the University community to another person for reasons of race, sex, sexual orientation, gender identity or expression, religion, age, color, creed, national or ethnic origin, disability, marital status, familial status, pregnancy, genetic predisposition, criminal convictions, domestic violence victim status, and veteran or military status, or other rights and privileges as may be protected under federal, state and/or local law. Alleged violations on the basis of sex/gender that fall under sexual misconduct will follow the procedures provided in Section VII.
- g. **Hazing:** In connection with an affiliation to any organization, group, team, or sports club: no student shall (i) endanger the mental, physical, or emotional health of a person, intentionally or recklessly, by commission or omission, regardless of whether the other person has consented to the activity; (ii)

participate in activities on or off University property, involving the forced or expected consumption of alcohol, drugs or other substances, or damage, destroy, tamper with, or remove public or private property.

2. **Sexual Misconduct**

See Section VII.C.6.

3. **Respect for Property**

Respect for property means recognizing not only the ownership rights of persons and of the University, but also the dependence of all on the availability and preservation of necessary facilities and equipment. The following violations are specifically prohibited:

- a. **Offenses against property:** Students shall not take, possess, damage, litter or deface (with graffiti instruments, or otherwise tamper with) any property not their own on the University campus or on any University property. This includes, but is not limited to, University furniture, computer equipment, access control systems or facilities. Tampering with building technology not limited to door controls, audio visual equipment, and elevator controls is prohibited. Student shall not override room thermostat systems to drastically alter room temperature. Any costs to repair, replace, restore, or clean University property to its original condition will be assessed to individuals and/or groups responsible for damaging, or defacing such property in addition to any sanctions which may be imposed.
- b. **Unauthorized posting:** Members of the campus community may, upon receiving University authorization, advertise on-campus events on designated bulletin boards and posting areas. Notices may not be placed on automobiles, windows, doors, wood, brick, concrete, asphalt or painted surfaces. The event sponsors must remove advertising within two business days following the event and are responsible for any damages incurred in the process.
- c. **Unauthorized posting (off-campus commercial advertising):** Unauthorized posting or distribution of solicitations, advertisements or other material on campus is prohibited. Students may be the subject of disciplinary action for such violations even in cases in which such students are acting on behalf of a third party (i.e., an employer and/or off campus business).

4. **Health and Safety**

Students shall comply with all environmental, health, and safety requirements, including the University Safety Manual and fire safety regulations. Therefore:

- a. Students shall not engage in any activity or behavior that creates a threat to the safety and well-being of themselves, the environment, or others, or engage in acts that compromises the safety of the University Community.
- b. Students shall not set fires, attempt to set fires, or act in a manner that disregards fire safety policies and results in a fire.
- c. Students shall not set off false fire alarms, discharge fire extinguishers; or damage, tamper with, dismantle, or disconnect fire safety systems or equipment on the campus.
- d. Students must evacuate any University facility (residence hall, academic building, library, etc.) when the fire alarm is activated.
- e. Immunization Requirements. All SUNY Korea students are required to comply with all New York State public health laws. This includes the NY State immunization requirements for measles, mumps, and rubella, and the requirement to verify that information about whether or not to receive meningococcal vaccine has been received and read. Consequences for failing to comply are:
 1. Deregistration from classes
 2. Loss of early registration status
 3. Removal from campus including cancellation of campus housing
 4. Loss of financial aid

5. **Security of Buildings, Facilities, Campus, and Motor Vehicle/Parking Regulations**

Students may enter and use all campus buildings and areas for the purposes assigned to these facilities and places. Exceptions to this rule may be made in the interests of safety, personal use and privacy, protection of valuable materials and equipment or to regulate access according to the hours that are normal for their assigned functions. When buildings or spaces within them are officially closed or restricted, limited access applies to all students unless specifically accepted. The following are applicable to the security of buildings, facilities, the campus, and motor vehicle/parking regulations:

- a. **Unauthorized keys or access:** Students shall not transfer, duplicate, use or possess any I.D. Badge/Proximity Card, key card or combination to a University building that he/she is not specifically authorized to use or possess.
- b. **Unauthorized entrance or unauthorized presence:** Students shall not break into and enter, without authorization, any University building, room or facility; nor enter, or remain in any private room or office of any student, faculty member, administrative officer, or other person on University property without the express or implied permission of any person or persons authorized to use that office or live in that room; nor shall any unauthorized student enter or remain in any University building or facility at a time when that facility is officially closed; nor assist or make possible the unauthorized entrance or unauthorized presence of any person.
- c. **Restricted areas:** Students shall not enter into or upon any restricted area; nor shall assist or make possible the unauthorized entry of any person into any restricted area. Restricted areas include but are not limited to tunnels, roofs, fountains and monuments, posted or enclosed construction sites and secured utility areas.

- d. **Guest responsibility (campus-wide):** When students have a guest on campus, the students assume responsibility for the conduct of that guest. Guests shall adhere to all campus policies including, but not limited to, the Rules of Public Order, the Code, alcohol and drug policies, building/facility guest policies, and motor vehicle/parking policies. Guests must be escorted by their host at all times.
- e. **Motor Vehicle/Parking policies:** Students shall not display, alter, manufacture, transfer, use, or possess handicap, faculty/staff, resident, commuter, service/emergency vehicle parking permits they are not authorized to possess, i.e., that were found, issued to another person, or taken without permission. Nor shall students be permitted to park their motor vehicle in any designated handicap parking space without a valid and visible handicap plate, permit or decal.
- f. **Compromising community security:** Propping open outside doors, unlocking lounge windows, using windows or balconies to enter and exit buildings, using unauthorized doors for entering or leaving the building, is prohibited.

6. Integrity of Transactions and Records

Respect for learning and knowledge means respect for personal integrity, both toward individuals and toward formal processes which record, reflect and enable the University's functions. Therefore:

- a. **Identification cards:** Students are required to carry and present valid University identification when requested to do so by authorized University officials.
- b. **False identification:** Students shall not materially alter or forge any identification card or other document evidencing identification, including identification presented to show proof of age. A violation of this section shall result in a confiscation of such identification card and referral to the appropriate issuing agency or governmental authority.
- c. **False information:** Student shall not give false or misleading information during any part of a student conduct process or when completing documents issued by or used by the University for Official Functions or activities. Students shall not give false or misleading information that could damage or discredit another person.
- d. **False testimony:** Students shall not give false testimony in matters related to the Code. Violations of this policy may result in sanctions up to and including suspension from the University for students.
- e. **Misrepresentation:** Students shall not represent themselves falsely, in writing or otherwise, nor shall assist another in doing so.
- f. **Misuse of records:** Students shall not access, search, copy, take without permission, forge, or alter University records, documents or other materials or possess such altered, forged or taken University records, documents or other materials without authorization.
- g. **Unauthorized use of services:** Students shall not take or use any services without authorization.
- h. **False transactions:** Students shall not use any forged or altered item to conduct a fraudulent transaction.

7. Responsible Use of Information Technology (IT)

Access to information technology is essential to the University's mission of providing students with educational services of the highest quality. It is in this framework that students understand and comply with rules of conduct for computing and networking that permit all students to fully utilize this valuable resource. Therefore:

- a. Students are not permitted to establish servers on non-university owned machines using campus facilities.
- b. No user shall view, copy, alter, destroy, or distribute another's personal electronic files without permission. This includes the downloading and/or streaming of any copyrighted material without the owner's permission.
- c. Software that resides on SUNY Korea computing network(s) is licensed by the University, or third parties, and is protected by copyright and other laws, together with licenses and other contractual agreements. Users are required to respect and abide by the terms and conditions of software use and redistribution licenses.
- d. No user may, under any circumstances, use campus computers or networks to harass or defame (slander, libel, etc.) any other person.
- e. Computer accounts, passwords, and other types of authorization are assigned to individual users and should not be shared with others. Students are responsible for any use of their account(s). If an account is shared or the password is divulged, the holder of the account may lose all account privileges and be held personally responsible for any actions that arise from the misuse of the account.
- f. Students shall not run, operate or otherwise configure software or hardware to intentionally allow access by unauthorized users.
- g. The deliberate attempt to degrade or compromise in any manner the performance of a computer system or network or to deprive authorized personnel of resources or access to any SUNY Korea computer or network is prohibited. Breach of security includes, but is not limited to: configuring software or hardware to intentionally allow access by unauthorized users, creating or knowingly propagating viruses, hacking, password cracking, unauthorized monitoring of electronic communications, or unauthorized viewing of other's files. An example of such a prohibited activity would be participating in a deliberate attempt to launch a denial of service (DoS) attack.
- h. Abuse of campus computer resources is prohibited and includes, but is not limited to: sending phishing emails, impersonating domain names, propagating chain letters or spam, posting a message to multiple list servers, distribution lists, or newsgroups with the intention of reaching as many users as possible, and the use of computing and networking resources of campus for commercial purposes.
- i. Users of the University network are prohibited from installing or connecting devices which could potentially degrade or deny services. This includes, but not limited to, routers (wireless and wired), wireless access points, switches, proxy servers, gateways, compromised/infected personal devices and

Dynamic Host Configuration Protocol (DHCP) appliances. SUNY Korea reserves the right to protect the integrity of the campus network and will disable any connection which violates this policy.

- j. Misuse of telephone, phone mail, email, computer network and systems. Use of the telephone, phone mail, email, computer network and systems for the purpose of hacking, committing fraud, slander, libel, harassment, theft of services, or invasion of privacy, is prohibited and is a crime under national and local law and a serious violation of the Code. Such violations include, but are not limited to: use of the telephone and its features to make harassing, obscene or threatening calls to anyone on or off campus; unauthorized use or alteration of the system's hardware, software, or passwords; obtaining and/or using personal telephone authorization Codes other than one's own; unauthorized access of campus databases, access to any campus data group without an authorized account specifically assigned to you; accessing another's phone mailbox without authorization; accessing another's phone mailbox to
- k. listen to messages and/or to alter the user's setup, such as a greeting password, etc.
- l. The use of the University's information technology resources to receive or distribute copyrighted material without proper authorization from the copyright holder is strictly prohibited. This includes but is not limited to the sharing of copyrighted software, images, music, videos, etc.
- m. Attempts to breach or undermine security controls are prohibited including, but is not limited to: configuring software or hardware to intentionally allow access by unauthorized users, creating or knowingly propagating viruses, hacking, password cracking, unauthorized monitoring of electronic communications, or unauthorized viewing of other's files.

8. Official Directives

Within the University, authority is delegated specifically to some individuals and some official bodies to direct the action of other members of the University, in fulfillment of legitimate purposes and functions of the institution. Students shall comply with the directives of University officials exercising their assigned duties. Students may appeal to the Vice President and/or Dean of Academic and Student Affairs (or designee), for a rescission of any Official Directive, but the student must be in compliance with the directive at the time of review.

9. Disruption of University Activities

- a. Student shall not obstruct, impede or disrupt any educational, research, administrative, social or recreational activity of the University; nor create a nuisance to members or guests of the University community.
- b. Unauthorized operation: No student shall function or participate in a club or organization, athletic team or student group whose University recognition has been withdrawn or suspended.
 1. Students who are members of University organizations or other campus organizations whose campus recognition has been withdrawn or suspended, either temporarily or permanently, may not participate as a representative of that organization in any campus activity or event, i.e., Recruitment, Intake Activities, Intercollegiate Athletics, sport clubs, intramural sports, campus committees, talent shows, contests, or community service projects.
 2. Unrecognized organizations may not use the University name, logo, equipment, or facilities. Student recruitment and/or related activities by an unrecognized organization may not take place, nor may University students take part in recruitment and/or related activities on behalf of any alter ego organization used to veil or disguise the activities of an unrecognized organization. Students may not join fraternities, sororities or other campus organizations whose campus recognition has been withdrawn or suspended, either temporarily or permanently.
 3. Any violation of this policy may result in individual and/or group sanctions, such as the extension of the current suspension; suspension or permanent expulsion of individual(s) from the University, and/or the suspension or permanent expulsion of the organization from future campus recognition. Individuals or groups may be required to attend mandatory educational programs. For additional information, refer to the "Hazing" section within the Code.
- c. Student shall not be subject to any limitations or penalty solely for the wearing of clothing exhibiting protected speech.

10. Alcohol, Drugs and Gambling

The University recognizes all national and local laws, and expects students to adhere to them. The University also recognizes that illegal alcohol and drug use is a major public health problem that has the potential to be harmful to the individual, the community and interferes with the goals and objectives of an academic institution. Members of the University community who decide to engage in illegal or excessive alcohol and drug use are responsible for their conduct under these circumstances. Specifically, the University puts students on notice that its campus offers no haven from the violation of applicable national and local laws.

- a. **Alcoholic beverages.** SUNY Korea is a dry campus. The possession, sale, use, or distribution of alcoholic beverages or related paraphernalia (e.g. flasks, beer bongs, shot glasses, empty bottles, or other similar items) by any person on the SUNY Korea campus or as part of any SUNY Korea activity is prohibited. No alcoholic beverages are to be served to students on campus or as part of any SUNY Korea activity. Person under the influence of alcohol may be denied entry to the SUNY Korea campus or SUNY Korea activities and may be subject to the University's student conduct process. Korean national law prohibits the sale, giving and service of alcoholic beverage to those under the age of 19, and their guests, even if the guest is over the age of 19. The Campus Alcohol Policy prohibits the possession and consumption of alcoholic beverages by those under the age of 19. The unauthorized consumption of alcohol or unauthorized possession of an open container of alcohol or public intoxication is prohibited. All students, residents and guests must comply with the Policy for On-Campus Sales, Service and Consumption of Alcoholic Beverages. Also:

1. To discourage excessive consumption of alcoholic beverages, bulk containers of alcohol larger than one gallon (e.g., kegs, beer balls, punch bowls, bottles, draft containers of wine, etc.) are prohibited.
 2. To discourage excessive consumption, large quantities of beer, wine, or hard liquor, are prohibited. No individual student may possess more than six (6) 12 oz. bottles/cans of beer **OR** ½ gallon of wine **OR** .5 or ½ liter of spirits at one time.
 3. Alcohol (beer, wine, liquor or spirits) should not be stored in common areas of apartment or suite.
 4. Items and paraphernalia that encourage excessive consumption of alcohol, including but not limited to funnels, beer helmets, beer pong tables, are prohibited.
- b. **Driving while ability impaired by alcohol, drugs, or the combined influence of alcohol and drugs.** Students shall not operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by alcohol, drugs, or the combined influence of alcohol or drugs.
 - c. **Zero Tolerance Law.** Students under the age of 19 shall not operate a motor vehicle after having consumed alcohol as defined.
 - d. **Illegal drug possession, use, sale and the possession of drug paraphernalia.** Students shall not possess, use, purchase, distribute, or sell substances defined by national and local laws as illegal. Students shall not possess substances defined as controlled, other than personally prescribed medications, by national and local laws. Student shall not introduce to the campus or possess drug paraphernalia including, but not limited to: bongs, water pipes, blunts or hypodermic needles (not specifically for administering of prescribed medications).
 - e. **Gambling.** Students shall not gamble for money or other valuables on University property or in any University facility except as part of an authorized fundraising activity.

11. Off-Campus Violations

This Code may be applied to off-campus violations when students are participating in University-sanctioned activities, such as sporting events, field trips, conferences, or are exercising privileges granted to SUNY Korea students. In addition, as noted in the preamble, this Code may be applied to off-campus violations if such violations are deemed to adversely affect the safety and security of the University, University property or individual members of the University community.

12. Commercial Activities and Solicitation

The University prohibits the operation of commercial enterprises on campus. Exceptions are made for specific, controlled enterprises that contribute to the convenience and well-being of University members and that conform to established regulations. Student may not engage in commercial activities/solicitation without clearance from a duly authorized University official (i.e. Dean of Strategic Planning and Relations and/or Dean of Admissions and Public Relations or designee).

13. Tobacco-Free University

In keeping with the University's desire to provide a respectful, safe, healthy, and clean environment for all students, employees, and visitors, the use of tobacco products is not permitted at SUNY Korea. No form of tobacco use, which includes electronic cigarettes, are allowed on University property. This includes all indoor and outdoor locations that are marked by no-smoking signs. The use of tobacco is also prohibited in all University vehicles, which includes, but are not limited to, buses, vans, cars, and trucks. The sale of cigarettes and other tobacco products is prohibited anywhere on University property, and tobacco advertisements must not be publicly displayed at the University. Students residing in University residence hall facilities including Incheon Global Campus Student Housing should refer to the Terms of Occupancy available at: <https://housing.igc.or.kr/about/regulations.do>

B. Residence Hall Policies

Incheon Global Campus (IGC) Housing offers students the advantage of convenience of location for academic pursuits and the advantage of participation in a peer community. The University sets certain limits on occupancy and establishes policies to preserve the facilities and promote safety and health. By University policy, residents are responsible for maintaining good order in the residential facilities. Students residing in University residence hall facilities, including Campus Housing shall be subject to the terms, regulations, and expectations of the Terms of Occupancy that Incheon Global Campus Foundation sets. The provisions set forth in the Terms of Occupancy are incorporated into and operate in concert with the terms of the Code. Student conduct action may be initiated under the Code against residents violating such provisions. The Terms of Occupancy are available online at: <https://housing.igc.or.kr/about/regulations.do>.

IV. ADMINISTRATIVE HEARING PROCESS

Alleged violations of the Code provided in Section III will be reviewed in accordance with the procedures outlined in this Section. A finding of responsibility as to each of the charges must be supported by a preponderance of the evidence; whether it is "more likely than not" that the incident occurred. If the totality of all the information presented meets this standard, then the Respondent must be found responsible. The burden of presenting such evidence rests with the Complainant(s).

1. Prehearing Procedures

a. Complaint or Referral

Any member of the University community (student, staff or faculty) may make a complaint and/or referral or offer information concerning such complaint and/or referral to the appropriate office or person (i.e. Dean of Academic and Student Affairs, Student Services Team staff, Title IX Coordinator, Residential Hall Director, Professor(s) of the Residential College Program, etc.). A complaint or referral made against a student or students, alleging violation(s) of the Code, shall be directed to a University official. In an appropriate case, a University official may act as a Complainant on behalf of others in enforcing the terms of this Code. All alleged violations shall be referred to the Academic and Student Affairs. In order to facilitate a timely investigation and processing of complaints, referrals must be made within thirty (30) days following the date of the incident giving rise to the complaint. Exceptions may be made in extraordinary cases as deemed appropriate by the University Official assigned to conduct the pre-hearing investigation.

b. Investigation

A representative from the Division of Student Affairs (University official) shall investigate and determine whether further action is necessary within a reasonably prompt time frame and in an effective manner. The investigation includes interviews and requests for written statements from the parties (i.e. Complainants, Respondents, witnesses). If the Respondent fails to respond to one written request for an interview, the University Official may proceed with a review of the evidence and information. In circumstances involving investigation of complaints when the Complainant does not choose to proceed, the University official reserves the right to continue its investigation regardless of Complainant cooperation or involvement. The University will make every effort to keep all investigations confidential to the extent possible/practical.

c. Decision to Proceed

If in the judgment of the University official, sufficient evidence warrants further action, the official shall initiate one of the following procedures:

- i. **Directive to Appear/Notice of Charges.** The student charged with an alleged violation of the Code will be provided with written notice of charges and will be required to either meet with a University official for student conduct meeting or to attend a hearing on the date cited in the notice. The hearing shall be scheduled for no less than ten (10) days from the date of the notice.
- ii. **Student Conduct Meeting.** A student conduct meeting is a meeting between a student involved in an alleged violation of the Code and a University official. In some cases, the meeting may resolve the matter and sanctions will be imposed.

d. Hearing Waiver

A Respondent may choose to accept responsibility for and not contest the charges against them. If this election is made, the students will sign a waiver of their right to a hearing, and must accept the sanction(s) identified in the waiver. A students' decision to waive a hearing and accept the sanction is final and not appealable.

e. Case Preparation

A University official informs the Complainant(s) and Respondent(s) of the rights and responsibilities they will have in the scheduled hearing.

f. Information in Support/Defense of Allegations

Information in support/defense of allegations (including testimony, documentary and/or physical material) to be presented by Complainant(s) and Respondent(s) during any hearing on the charges must be shared with the opposing party at least two (2) business days in advance of the scheduled hearing. The University official presiding at the hearing may exclude information in support/defense of allegations that has not been shared, or adjourn the hearing to afford all parties the opportunity to review information in support/defense of allegations to be presented during the hearing. The University official presiding at the hearing will make the final decision relating to the admissibility of all information in support/defense of allegations. Hearsay information in support/defense of allegations, including written statements, may be considered. First hand oral testimony subject to cross examination will be given greater weight than hearsay testimony. Written statements from character witnesses are permitted into the hearing.

g. Advisors

The Complainant and Respondent may appear at the hearing with an advisor of their choice. The role of the advisor is to assist each party, but not to engage in any verbal presentation or questioning. Attorneys may serve as advisors to the parties subject to the same conditions and restrictions.

h. Attendance at Hearing

Those in attendance at the Board Hearing may include the Complainant(s), Respondent(s), their advisor(s), witness(es) (while giving testimony), the presiding Hearing Officer, University official and Board (when assigned). A University observer may be present. The presiding University official shall determine whether additional persons may be present.

i. Confidentiality

In order to protect confidentiality, hearings shall be closed to members of the campus community and to the public.

2. Hearing Boards

a. Purpose

Hearing Boards are established for the purpose of hearing charges of violations of the policies detailed in this Student Conduct Code. The board will review the allegations, hear any responses, make decisions as to whether or not a policy was violated, and provide recommendations for sanctions where appropriate.

b. Hearing Board Pool

A Hearing Board Pool shall be selected from members of the University community (students, faculty, and staff).

c. Composition

Members of the Hearing Boards are selected from the Hearing Board Pool. A Hearing Board is composed of three to five members from the Hearing Board Pool. During intersession or summer sessions, or other periods when students and faculty are not readily available, the Hearing Board may be composed of at least one (1) student and one (1) faculty or staff member.

d. Term of Service

All Hearing Board members are expected to serve for at least one academic year and may continue to serve at the discretion of the Dean of Academic and Student Affairs (or designee).

e. Student Eligibility

All students, full or part-time, shall be eligible for recruitment to serve as Hearing Board members, provided they have maintained a 2.50 cumulative grade point average, are not currently on University probation and have not been suspended from the residence halls/apartments or the University. Students with a student conduct record may be required to meet with a University official and their application may be denied.

f. Training

All members of the Hearing Board, upon receiving notice of appointment, shall be given the necessary information about their responsibilities and the means by which they may fulfill them.

3. Hearing Procedures

Hearings provide the forum where parties to an allegation are afforded the opportunity to present information for review by either a University official/Hearing Officer (i.e. Team Leader of Student Services and Career Team) or a Hearing Board. In the event that a Respondent has received notice of a hearing and elects not to appear, the hearing shall proceed in their absence and a determination of responsibility shall be made and sanctions imposed. When requested, the University will provide options for a room divider, use separate hearing rooms, or other reasonable mechanisms to directly cross examine the other party. The hearing procedures generally include the following basic steps:

a. Opening

The presiding Hearing Officer states the alleged charges and identifies the individuals present.

b. Challenge

Hearing Board members who feel they cannot fairly serve shall be excused. Conflicts of interest must be disclosed. Any party may request and cite a cause for the removal of any member of the Board. The Hearing Officer will determine whether the cited cause warrants removal.

c. Plea

The Respondent(s) will be asked to state their plea (i.e., responsible or not responsible) to each of the alleged violations.

d. Complainant Presentation

Complainant presentation should begin with an opening statement describing the alleged violation(s). Information in support/defense of allegations submitted by the Complainant will be provided to a University official/Hearing Officer and the Hearing Board. The Respondent, then the presiding University official/Hearing Officer or Hearing Board members may question the Complainant regarding the opening statement and significant information supporting the allegation. Complainant's witness(es) individually present oral statements. The Complainant, then the Respondent, followed by the presiding University official/Hearing Officer or Hearing Board members may question the witness(es).

e. Respondent Presentation

Respondent presentation should begin with an opening statement describing the alleged conduct. Information in support/defense of allegations submitted by the Respondent will be provided to a University official/Hearing Officer and the Hearing Board. The Complainant, then the presiding University official/Hearing Officer or Hearing Board members may question the Respondent regarding the opening statement and information defending the allegation. Respondent's witness(es) individually present oral statements. The Respondent, then the Complainant, followed by the presiding University official/Hearing Officer or Hearing Board members may question the witness(es).

f. Closing Statements

After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the Complainant(s), then by the Respondent(s). No questioning is allowed during or after closing statements.

g. Deliberation

After closing statements have been presented, a review of information in support/defense of allegations is conducted by the Hearing Board or by the presiding University official/Hearing Officer to determine Respondent's responsibility as to each of the charges. The presiding University official/Hearing Officer will act as a non-voting facilitator when conducting a review.

h. Decision

Upon a review of the totality of the information discussed during the deliberation process, a decision regarding the Respondent's responsibility as to each of the charges shall be made by a majority vote of the Hearing Board. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).

i. Recommendation/Determination of Sanctions

The presiding Hearing Officer, upon consideration of the recommendation of the Hearing Board, shall recommend sanction(s) based upon the extent of responsibility determined. Upon receipt of the recommendations and after review of any previous student conduct record of the Respondent(s), the University official will make a final determination on the sanction(s). See Section V for information on student conduct sanctions.

4. Post Hearing Procedures

After the hearing procedures in Section IV.3. have taken place, the following will occur:

a. Notification/Hearing Disposition

The decision of the proceeding will be communicated in writing to the Respondent and the Complainant by the presiding University official/Hearing Officer (or designee). Written notification (also called a disposition) will include the date and time of the hearing, the findings, and the sanctions to be imposed, if any. If the Respondent charged is found responsible and a sanction is to be imposed, the notification/disposition shall inform the Respondent of the right to appeal and the method for submitting the appeal (see Section VI).

b. Hearing Documents

A written notification/disposition summarizing the main points of the proceedings and information in support/defense of allegations presented during the hearing become part of the proceeding's official record. Recordings made during the hearing also become part of the official record. These materials are confidential. However, these materials are made available, in cases of appeal and upon request, to the designated University official/Hearing Officer or Hearing Board hearing the appeal and to the student(s) requesting the appeal. Unless otherwise required by law, all information obtained during the course of the investigation and hearing shall be protected from public release.

c. Enforcement

The presiding University official/Hearing Officer and other designated University officials will insure that any sanctions imposed are carried out on behalf of the University. Information on student conduct sanctions is provided in Section V.

V. SANCTIONS

1. Determination of Sanctions

The determination of sanctions for violations of the Code shall be made by the designated University official in the case of a board hearing or by the Hearing Officer in the case of a non-board hearing. This determination shall take into consideration all relevant factors, including but not limited to, the facts and circumstances surrounding the incident(s) that gave rise to the violation, the Respondent's state of mind, any mitigating factors, and any past disciplinary record of the Respondent. More serious sanctions may be imposed for multiple or repeated violations.

2. Sanctions

The following sanctions may be imposed once a determination has been made. Failure to complete a sanction may result in a Registration, Transcript, and/or Diploma hold being placed on the student's account.

a. Informal Warning

An informal warning advises students to be more mindful of their behavior and encourages them to view the Code of Student Responsibility in order to ensure future compliance with all policies and procedures. Informal warnings are not routinely reported as student conduct action unless subsequent violations of the Code occur.

b. Written Warning

A written warning indicates that students have violated a University policy and that continued or repeated violations of University policy will result in further student conduct action.

c. Restitution

Restitution for violations against University property may include the restoration or replacement cost of the lost or damaged property.

d. Special Restrictions or Loss of Privileges

Students may be restricted from participating in certain specified events and activities, and may be prohibited from entering certain areas of the campus, including certain facilities and offices. Student access to specific services may also be limited if a pattern of abuse of said services has been identified.

e. University Probation

Students may be placed on University probation for a period of time. Violations of University policies during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the students may be required to attend periodic meetings with a University official. The terms of the probation will be tailored to fit the individual circumstances and may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and serve to the University or affiliated entities. Students placed on University probation may not hold student staff positions including but not limited to: Resident Assistant, Office Assistant, Building Coordinator, Orientation Leader, Residential Safety Patrol, Work Crew and Residence Orientation, for the duration of the probationary period. Students placed on University probation may not hold student leadership positions including but not limited to: Undergraduate Student Council.

f. University or Residential Service & Educational Projects and Programs

Students may be assigned projects, programs and service (here in after referred to as "University Service") to the University or affiliated entities. "University Service" is work performed at a stipulated location within the University and with a stipulated supervisor. The Dean of Academic and Student Affairs, or designee, will arrange and administer "University Service" sanctions. Failure to complete the assigned "University Service" or educational project within the specified time period and may increase the assignment or result in additional sanctions. Failure to satisfactorily complete an assigned project, program or service will result in a notation "Conduct sanction not completed" on the student's academic record. This notation will be removed upon completion of the assigned educational project, program or service.

g. Suspension from the Residence Halls/Apartments

Students may be required to move out of the residence halls/apartments for a given period. Students may apply to be readmitted to the residence halls/apartments following the period of suspension. No preference shall be given to such student in the readmission or re-entry process. Any individual under suspension from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of suspension from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

h. Expulsion from the Residence Halls/Apartments

Student may be required to move out of the residence halls/apartments completely and permanently. Any student expelled from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of expulsion from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.

i. Suspension from the University

Upon suspension from the University, a person loses all of the rights and privileges of being a student of the University for a stipulated period and is prohibited from using or entering the campus or its facilities. Any suspended individual found on campus during the suspension period will be subject to arrest. Suspension from the University will result in a notation on the student's academic record. After a period of five (5) years, a student may request removal of the notation. Any student that is suspended will be blocked from registering for classes and must schedule a meeting with Academic and Student Affairs prior to registering/returning to the University.

j. Expulsion from the University

Upon expulsion from the University, a person loses all of the rights and privileges of being a student and is prohibited from using or entering the campus or its facilities. Any expelled individual found on campus will be subject to arrest. Expulsion from the University will result in a notation on the student's academic record.

3. Specific Sanctions Pertaining to Residential Students

a. Administrative Reassignment

Students may be reassigned to an available space on campus at the discretion of a University official. Students shall be required to move to the new assignment within a specified period of time or be subject to immediate suspension from the residence halls/apartments.

b. Residential Probation

Students may be placed on residential probation for a specified period of time. During this time, students are permitted to continue to reside in University housing. Violations of University policies during the probationary period may result in additional and more significant sanctions including but not limited to housing suspension and expulsion.

VI. APPEALS

1. Grounds for Appeal

Students found responsible for offenses under Sections III and IV of the Code may appeal such findings on the following limited grounds:

- a. Significant violation of student conduct procedures;
- b. New information, unavailable at the time of the hearing, has become available and could have substantially impacted the decision; and/or
- c. The sanction(s) issued is/are disproportionate in relation to the student's conduct record and/or nature of the violation.

2. Application for Appeal

Students wishing to appeal a disposition must submit a written application to the designated office within seven (7) calendar days of receipt of the disposition. The application for appeal must identify which of the three grounds forms the basis of the appeal. Students must be in compliance with the disposition at the time of their appeal request and until a final decision on their appeal is rendered.

3. Appeal Procedure

If the appeal has been submitted within the specified time frame and has identified at least one of the permissible grounds for appeal, the designated University official will review the complete record of the case, the statements of any parties, or any other information in defense of allegations, and where necessary, may require interviews with the parties involved. The designated University official will be a neutral decision maker who will conduct the appeal in an impartial manner. The student(s) shall be notified in writing of the decision. The decision of the University official will be final.

VII. SEXUAL MISCONDUCT POLICY AND PROCEDURE

A. Executive Summary

SUNY Korea is committed to fostering diverse and inclusive educational and recreational environments that are safe and accessible, and free from all forms of discrimination, discriminatory harassment and sexual harassment, including non-consensual sexual contact, sexual violence, dating/domestic violence, stalking and retaliation toward any individual(s) who reports or participates in the investigation of any alleged incident of sex and/or gender-based discrimination. Such behavior is prohibited, as it violates this Code and Title IX of the Education Amendments of 1972. This Policy sets forth the manner in which an allegation of discrimination based on sex/gender, (which includes sexual harassment, non-consensual sexual contact, dating/domestic violence, stalking, and retaliation) will be addressed by Academic and Student Affairs in consultation with the Title IX Coordinator and/or Title IX Investigator. The University takes all complaints of sexual misconduct very seriously and will respond to all allegations brought to its attention. A complaint may be filed with any of the following offices:

1. Academic and Student Affairs

Location: Academic Building, Room A201
Phone Number: (032) 626-1195
E-mail: student@sunykorea.ac.kr/academicaffairs@sunykorea.ac.kr

2. Title IX Coordinator for Students

Location: Academic Building, Room A208
Phone: (032) 626-1190
Email: titleix@sunykorea.ac.kr

Students who wish to speak confidentially about an incident should contact:

3. SUNY Korea Counseling Center

Fall & Spring Semester Hours: Monday – Friday / 10:00 – 17:00 (All office hours are by appointment only.)
Location: Academic Building, Room A523
Phone: (032) 626-1170
Make an appointment with the Counselors via email: counseling@sunykorea.ac.kr

4. Incheon Global Campus Health Center

Office Hours: Monday – Friday / 09:00 – 17:30 (Lunch Break: 12:00 – 13:00)
Location: IGC Support Center (Multi-Complex Building), Room 3068
Phone: (032) 626-0553

Should a Complaint result in a University administrative hearing, a Complainant has options regarding their level of involvement in the Review Panel Proceedings (detailed below), which includes but is not limited to: Acting as a Complainant and presenting their case to the Review Panel; or Acting as a Witness and providing testimony to the Review Panel. Regardless of which option(s) they choose, the Complainant may further choose to: have a partition between the Complainant and Respondent; teleconference/video conference into the proceeding; or request another method of shielding. The Complainant may also choose not to attend the hearing at all. The level of Complainant's involvement (presence or absence) at the Review Panel Proceedings will not factor into the Review Panel's determination.

B. Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the student conduct process and/or criminal justice process free from pressure by the University;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the accused and or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the University;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or Respondent throughout the student conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by investigative, criminal justice, or student conduct process of the University.

The University has outlined in the following pages the sexual misconduct policy and the procedure for adjudicating any allegations when the accused (Respondent) is a student (as defined in Section I).

C. Sexual Misconduct Policy

1. Confidentiality

Academic and Student Affairs in collaboration with the Investigator will conduct the investigation in a confidential manner to the extent practicable and/or permitted by law. The parties and witnesses are expected to cooperate fully in the investigation, and maintain and preserve the confidentiality of the investigation. Hearings shall be closed to members of the campus community and to the public. Student conduct records, except as hereinafter provided, will be confidential in accordance with national and local laws relating to disclosure.

2. Privacy versus Confidentiality

Students who wish to speak confidentiality about an incident should contact SUNY Korea Counseling Center at (032) 626-1166, or IGC Health Center at (032) 626-0553. Even SUNY Korea offices and employees who cannot guarantee confidentiality will maintain the students' privacy to the greatest extent possible. The information students provide to a non-confidential resource will be relayed only as necessary for University Community Standards and the Title IX Coordinator and/or Investigator to investigate and/or seek a resolution as required under national and local law. SUNY Korea will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

3. Obligation to Investigate

If students disclose an alleged incident of sexual misconduct to a non-confidential employee that disclosure may be reported to the Title IX Coordinator whether or not the students request confidentiality. Certain SUNY Korea employees, designated as responsible employees, are required to report incidents of sexual misconduct.

If the Title IX Coordinator becomes aware of an incident of sexual misconduct, SUNY Korea may be required to investigate. The Title IX Coordinator may not be able to honor a request not to investigate or for confidentiality if failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. The Title IX Coordinator must weigh the request against SUNY Korea's obligation to provide a safe, welcoming and non-discriminatory environment. Factors used to determine whether to or not to honor a request for confidentiality or not to investigate include (but are not limited to):

- a. whether the respondent has a history of violent behavior or is a repeat offender;
- b. the increased risk that the respondent will commit additional acts of violence;
- c. whether the accused used a weapon or force;
- d. whether the reporting individual is a minor;
- e. whether the University has other means to obtain evidence such as security footage;

- f. and whether available information reveals a pattern at a given location or by a particular group.

SUNY Korea may provide interim measures or other assistance to a reporting individual regardless of whether that individual consents to an investigation.

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, SUNY Korea is not obligated to begin an investigation based on this information.

4. Amnesty

The health and safety of every student at the State University of New York and its State-operated and community colleges is of utmost importance. SUNY Korea 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. SUNY Korea strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to University 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 SUNY Korea officials or law enforcement will not be subject to SUNY Korea Code of Student Responsibility 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.

5. Retaliation

Retaliation against an employee, student or any witness who participates in any University investigation is prohibited. Retaliation is also prohibited against any individual who files a sex discrimination complaint or participates in a complaint investigation in any manner. Any substantiated act of retaliation may result in sanctions or other student conduct action as covered by the Code of Student Responsibility or University and applicable policies and procedures.

6. Sexual Misconduct

Sexual misconduct, which can occur in many forms, is discrimination on the basis of sex and/or gender, and may occur between people of the same or opposite sex, or who identify as LGBTQ, and it is prohibited. The Parties will be made aware of their Title IX rights and available resources. The following behaviors constitute sexual misconduct:

a. Sexual Harassment

Student shall not perform any acts that are considered to be sexual harassment. Sexual harassment encompasses unwelcome sexual advances, unwelcome requests for sexual favors or requests for sexual favors in exchange for some benefit, and/or verbal or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual harassment is a form of sexual discrimination. Sexual harassment occurs when:

- i. Submission to such conduct is made either explicitly or implicitly a term of or condition of any individual's employment or education; or
- ii. Submission to or rejection of such behavior by an individual is used as the basis for employment of educational decisions affecting the individual; or
- iii. A behavior is sufficiently severe or pervasive to interfere with any individual's work or educational performance, or create an intimidating, hostile, or offensive work or educational environment. Such prohibited conduct includes, but is not limited to, unwelcome sexual communication, touching, and non-consensual sexual contact, including but not limited to sexual touching, intercourse, and violence. Examples of sexual harassment include, but are not limited to:

- a. Comments
- b. Derogatory statements or other verbal abuse
- c. Exploitation
- d. Graphic or sexually suggestive comments about an individual's attire or body
- e. Graphic or sexually suggestive gestures
- f. Exposing one's genitals
- g. Inquiries or discussions about sexual activities
- h. Profanities
- i. Sexually suggestive letters or other written materials
- j. Slurs
- k. Teasing
- l. Touching

b. Non-consensual sexual contact

Student shall not perform any acts that are considered to be non-consensual sexual contact. Non-consensual sexual contact is any contact of a sexual nature which is unwanted or unwelcome. Sexual contact with another person without consent (as described in Section VII.C.7. below) is prohibited. Non-consensual sexual contact may include but is not limited to:

- i. Attempted penetration
- ii. Brushing up against another in a sexual manner
- iii. Fondling
- iv. Grabbing

- v. Kissing
- vi. Pinching

c. Non-consensual sexual intercourse and/or penetration

Student shall not perform any acts that are considered to be non-consensual sexual intercourse and/or penetration. Non-consensual sexual intercourse and/or penetration is any sexual penetration or intercourse that is unwanted or unwelcome. Prohibited conduct includes but is not limited to non-consensual:

- i. Anal and vaginal penetration and attempted penetration and/or intercourse.
- ii. Oral sex or attempted oral sex, or the insertion of a foreign object into the vagina, urethra, penis or rectum of another.
- iii. This also includes what may be referred to as sexual assault, which is also commonly known as "rape," whether forcible, or non-forcible, "date rape" and "acquaintance rape." For parties found responsible for Non-consensual sexual intercourse and/or penetration, the available sanctions are suspension with additional requirements and expulsion.

d. Non-consensual physical violent contact during sexual contact

Student shall not perform any acts that are considered to be non-consensual physical violent contact during sexual contact. Prohibited conduct includes but is not limited to punching, choking, burning or otherwise intentionally causing serious physical harm without consent of a partner.

e. Dating Violence

Student shall not perform any acts that are considered to be dating violence. Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the nature and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary socializing between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence. Dating violence includes:

- i. Isolation: Trying to cut off relationships with other family and friends.
- ii. Emotional abuse: Humiliating the Complainant in front of friends, guilt and manipulation if confronted, extreme and persistent jealousy.
- iii. Intimidation: Instilling fear through threatening behavior, verbal aggression, abuse of animals or destruction of property.
- iv. Coercion: Threatening to harm themselves or a third party if demands are not met or the relationship is ended.
- v. Physical: Using or threatening to use physically assaultive behavior such as hitting, shoving, grabbing, shaking, slapping, beating, kicking, etc.
- vi. Sexual: Non-consensual sexual touching or non-consensual sexual activity.
- vii. Harassment: Using electronic media (internet, cell phones, texting, and social media) or other means to keep track of the Complainant.

f. Domestic Violence

Student shall not perform any acts that are considered to be domestic violence. Domestic violence is any felony or misdemeanor crime of violence committed by a current and/or former spouse and/or intimate partner of the victim. An intimate partner includes persons legally married to one another; persons formerly married to one another; persons who have a child in common, regardless of whether such persons are married or have lived together at any time, couples who are in an intimate relationship, including but not limited to, couples who live together or have lived together.

g. Stalking

Student shall not engage in stalking. The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means (cyberstalking), with such person(s) in a manner likely to harass, intimidate, annoy, or create a nuisance or alarm.

7. 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.

a. Non-consent/Limitations of Consent

- i. Consent to any sexual contact or any specific sexual act cannot be given if an individual is under the age of 17.

- ii. 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.
- iii. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.
- iv. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- v. 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:
 - a. A physical or mental condition, infirmity or disability that limited informed decision making;
 - b. The lack of consciousness or being asleep;
 - c. Being involuntarily restrained; or
 - d. If an individual otherwise cannot consent.
- vi. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants (whether involuntary or voluntary) may be incapacitated and therefore unable to consent.
 - a. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of immediate or future harm.
 - b. Coercion is the use of an unreasonable amount of pressure to engage in sexual activity. Coercion is more than an effort to persuade, entice or attract another person to engage in sexual activity.
 - c. Intimidation is an implied threat that menaces or causes reasonable fear in another person.
- vii. Consent cannot be given when it is the result of the use of physical intimidation to secure compliance with sexual activity.
- viii. Intoxication or impairment of the Respondent is no defense to charges of sexual misconduct.

b. Revocation of Consent

- i. Consent may be initially given, but it may be revoked/ or withdrawn at any time, either verbally, through physical resistance, or by losing consciousness.
- ii. When consent is withdrawn or cannot be given, sexual activity must stop.
- iii. Failure to cease sexual contact promptly in response to withdrawal of consent constitutes prohibited non-consensual sexual contact.

D. Sexual Misconduct Procedures/Resolving Complaints

The Complainant has the right to make a complaint against the Respondent. If charges are brought and a hearing is conducted, a finding of responsibility as to each of the charges must be supported by a preponderance of the evidence; whether it is “more likely than not” that the incident occurred. The Respondent enjoys a presumption of not responsible unless and until proven otherwise by a preponderance of the evidence. If the totality of all the information presented meets this standard, then the Respondent will be found responsible.

1. Time Limits

In the interest of ensuring a safe and welcoming environment at University facilities and University sponsored programs or affiliated activities there is no time limit which bars the reporting of an incident of alleged sexual misconduct. Note, however, that the more time that lapses between the incident and the investigation the more difficult it will be for the University to obtain complete and accurate witness statements and other information to address the complaint.

2. Time Frame

Absent extenuating circumstances, the investigation process from receipt of a complaint through determination is expected to take place within ninety (90) calendar days from the University’s receipt of the complaint. Note however, the period of time required to take in an initial inquiry, report or complaint from the initial interview process through the conclusion of the investigation and resolution, may be impacted by various factors, such as the complexity of the case, immediate availability of parties, witnesses and other information in support or defense of an allegation, on-going criminal investigations, etc. therefore the time frame may exceed ninety (90) days.

SUNY Korea will comply with law enforcement requests for cooperation, which may require Academic and Student Affairs and other University offices to temporarily suspend the fact-finding aspect of a Title IX-related investigation while the law enforcement agency is in the process of gathering evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay. SUNY Korea will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process. As necessary, SUNY Korea will implement appropriate interim steps during the law enforcement agency’s investigation to provide for the safety of the parties and the University community, and to avoid retaliation.

3. Timely Notice of Meetings

Both parties will be given timely notice of any meeting they are required or eligible to attend through written and/or oral communication.

4. Interim Measures

When deemed necessary the University will take appropriate interim measures concerning the interaction of the parties: Pending the investigation process; Before the final outcome of the investigation and if applicable; Review Panel. Interim measures include but are not limited to:

a. “No-contact” Directive

Imposing a “no contact” directive means that the parties are prohibited from having contact with one another, directly or through proxies, whether in person or via electronic means. Intentional contact with the other party is a violation of University policy and may result in additional conduct charges.

b. Interim Suspension

Whenever the continued presence of a student charged with Code violations would constitute a danger to the student or to the safety of persons or property on the premises of the institution, or their presence would pose a threat of disruptive interference with the normal conduct of the institution’s activities and functions, or the seriousness of the charges warrants such action, the Dean of Academic and Student Affairs may issue an Interim Suspension may apply to a portion of the University or the entire campus. Students are allowed to have five (5) business days to appeal.

c. Alternate Academic Scheduling

A student’s academic schedule may be altered/limited. Limitations include: restricting parties from attending class/classes, reassigning parties to a different class section, allowing parties to attend their scheduled class but with restrictions, allowing students to attend classes but requiring parties to sign in and out, restricting parties from certain areas of campus, restricting parties from campus but allowing parties to fulfill class requirements via internet, restricting parties from attending graduation or other ceremonies, etc.

d. Campus Restrictions

Students may be restricted from: certain areas/buildings/facilities/departments/offices on campus, participating in events/activities/sponsored events, parking and/or driving on campus or in certain areas, or from utilizing certain services.

e. Technological Restrictions

Students may be restricted from accessing campus internet, and/or another party’s University email accounts.

f. Housing Restrictions

Students may be restricted from certain buildings/areas on campus, relocating parties to different room assignments; or have their guest privileges restricted.

g. Employment Restrictions

Employment, including but are not limited to, restricting the dates/times/locations/hours permitted to work.

Both the Complainant and the Respondent may request a prompt review, reasonable under the circumstances, of the need for and terms of any interim measure (ii. Through vii.), including potential modification and shall be allowed to present evidence in support of his or her request.

5. Student Conduct Conference

When the evidence does not merit conduct charges but concerns regarding conduct or escalating behavior remain, the University may request students to attend a Student Conduct Conference to review the University’s concerns and the applicable sections of the Code of Student Responsibility. Students will be encouraged to be more mindful of the Code of Student Responsibility and their behavior. When appropriate, the students may be advised at a Student Conduct Conference of any interim measures during the investigation that will continue.

6. Prehearing Procedure

A University official will inform the Complainant(s) and Respondent(s) of the scheduled hearing.

a. Advisor

The parties may each select an advisor of their choice. However, the parties may each have only one person at the Review Panel. Advisors for either party may advise or assist but may not engage in any verbal presentation or questioning at the Review Panel. Attorneys may serve as advisors to the parties, subject to the same limitations and conditions as delineated above.

b. Investigation

Investigations will be conducted by a University Investigator in accordance with the time frame set forth in Section VII.D.2. The Investigator is a neutral, fact-finding, impartial individual who is trained annually in investigating sexual misconduct complaints.

i. The investigation will include interviews with the parties and witnesses.

ii. Both parties will have the opportunity to offer information in support or defense of allegation(s).

iii. Students are expected to cooperate with the investigation, however, failure to respond to request for timely meetings will not halt the investigation.

- iv. In circumstances involving the investigation of complaints where the Complainant does not choose to proceed, the University official reserves the right to continue its investigation regardless of Complainant cooperation or involvement.
- c. **University's Decision to Proceed**
Upon completion of the investigation, the Title IX Coordinator and Academic and Student Affairs shall determine whether there is sufficient evidence to warrant further action. If such evidence exists, the following will occur.
 - d. **Directive to Appear and Notice of Charges**
Students charged with an alleged violation of the sexual misconduct policy will be provided written notice of the allegations. The Notice will include the date, time, location, and description of the alleged incident giving rise to the charges, the section(s) of the Code allegedly violated as well as the sanctions that could be imposed if the student is found responsible for the allegations. The Notice will also direct the student to attend a Review Panel on a specified date. The Review Panel shall be scheduled for no less than ten (10) business days from the date of the Notice.
 - e. **Hearing Waiver**
Respondents may choose to accept responsibility for and not contest the charges against them. If this election is made, the students will sign a waiver of their right to a hearing and must accept the sanction(s) identified in the waiver. The students' decision to waive their hearing and accept the sanction(s) is final and not appealable by the respondents.
 - f. **Information in Support/Defense of Allegations**
Information in support/defense of allegations should be provided to Academic and Student Affairs prior to the conclusion of the investigation.
 - i. Additional information determined to be relevant and admissible will be provided to all parties no later than one (1) day prior to the Review Panel Hearing.
 - g. **Information to be Presented at the Hearing**
All written information that will be presented at the hearing will be made available to the parties prior to the hearing as outlined above in g. The University official presiding at the Review Panel may exclude information in support/defense of allegation(s) that has not been provided as required above or adjourn the hearing. The University official will make the final decision relating to the admissibility of all information in support/defense of allegations. Written statements in support/defense of the allegations may be considered. First-hand oral testimony will be given greater weight than hearsay testimony.

7. Review Panel Members

- a. **Attendance at the Review Panel**
Those in attendance at the Review Panel may include the Complainant(s), Respondent(s), their advisor, and witnesses (while giving testimony), the presiding University official and Review Panel Members. The presiding University official shall determine whether additional persons may be present. Hearings shall be closed to members of the campus community and to the public.
- b. **Review Panel Composition**
Review Panels are composed of faculty and staff members.
- c. **Training**
All members of the Review Panel, upon receiving notice of appointment, shall be given the necessary information about their responsibilities and the means by which they may fulfill them. Review Panel members will receive training and be knowledgeable about sexual violence and confidentiality requirements.

8. Review Panel Hearing

- a. **Admittance of Prior Sexual/Mental Health History/Disciplinary History**
Prior sexual history with anyone other than the parties will not be permitted. Past mental health history will not be permitted. The prior student conduct history of the Respondent(s), if any, shall not be considered until a finding of responsibility has been made and such record will be relevant only to a determination of the appropriate sanction(s).
- b. **Questioning**
Parties are prohibited from directly cross-examining each other. All questions must be written and directed to the Hearing Officer. All questions must be directly relevant to the incident and policies allegedly violated. The Hearing Officer will ensure that improper questions are dismissed as such. The University may provide options for testimony without direct contact, including but not limited to a room partition, separate hearing rooms, video conferencing, or phone conferencing. Each party has the right to ask questions regarding the investigation summary and/or report; parties may also question any witness present.

- c. **Opening**
The presiding University official states the charges and identifies the individuals present.
 - d. **Challenge**
Any party may request and cite a cause for the removal of any member of the Review Panel. The Hearing Officer will determine whether the cited cause warrants removal.
 - e. **Student Response**
The Respondent(s) will be asked to state their response (i.e., responsible, or not responsible) to each of the alleged violations.
 - f. **Investigation Summary/Report**
The University's designated investigator will commence the process by reading and/or summarizing the investigation report and providing the facts of the case.
 - g. **Complainant Presentation**
Complainant's presentation should begin with an opening statement describing the alleged conduct. The Complainant(s) may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts. The presentations should also include all information in support of the allegations. The Respondent(s), then the Review Panel members, may question the Complainant(s) regarding the opening statement and information in support of allegation(s).
 - h. **Respondent Presentation**
Respondent's presentation should begin with an opening statement, describing the alleged conduct. The presentation should also include all information in defense of allegations. The Complainant(s), then the Review Panel members may question the Respondent regarding the opening statement and information in defense of allegation(s). The Respondent may opt out of presenting an opening statement, in light of the investigator presenting a summary of the facts.
 - i. **Witnesses**
The Hearing Officer will introduce the witnesses and ask for their statements. The Complainant, then the Respondent, followed by the Review Panel members, may question the witnesses. The parties may only submit written statements from character witnesses. Oral statements from character witnesses will not be permitted.
 - j. **Closing Statement/Impact Statement**
After all witnesses have presented statements and all questioning has been completed, closing statements are made first by the Respondent(s) then by the Complainant(s). Both parties may provide an impact statement on how the incident/allegation has affected their University experience. No questioning is allowed during or after closing statements.
 - k. **Deliberation**
Upon conclusion of closing statements, the Review Panel reviews all information in support and defense of the allegation to determine the Respondent's responsibility as to each of the charges.
 - l. **Decision**
A decision regarding the Respondent(s) responsibility as to each of the charges shall be made by a majority vote of the Review Panel members. A decision of responsibility shall be made only if the allegations contained in each charge have been established by a preponderance of the evidence (more likely than not standard).
 - m. **Recommendation/Determination of Sanction**
The Review Panel shall recommend sanctions to the Dean of Academic and Student Affairs or designee. Upon receipt of the recommendations and after review of any previous disciplinary record of the Respondent, the Dean of Academic and Student Affairs or designee in consultation with the Title IX Coordinator will make a final determination of sanctions.
- 9. Post Hearing Procedure/Notification of Disposition**
The disposition of the hearing will be communicated in writing to the parties. The disposition will include the date and time of the hearing, the findings, the sanctions to be imposed, the reason for any sanction imposed, and the method for submitting appeals. Each party has the right to choose whether to disclose or discuss the outcome of a hearing. Unless otherwise required by law, all information obtained during the course of the investigation and hearing shall be protected from public release.
- 10. Sanctions**
The following are sanctions that may be imposed:
- a. **Written Warning**
A written warning indicates that a student has committed an infraction of a University policy and that continued or repeated violations of University policy will result in further student conduct action.

- b. Restitution**
Restitution for violations against University property may include the restoration or replacement cost of the lost or damaged property.
- c. Special Restriction or Loss of Privileges**
Students may be restricted from participating in specified events or activities and may be prohibited from specific areas of the campus, or entering specific facilities and/or offices. A student's access to specific services may also be restricted.
- d. Residential Probation**
Students may be placed on residential probation for a specified period of time. During this time, students are permitted to continue to reside in University housing however, violations of University policy during the probationary period may result in additional and more significant sanctions including but not limited to housing suspension or expulsion.
- e. University Probation**
Students may be placed on University probation for a period of time. Violations of University policy during the probationary period may result in additional and more significant sanctions. Upon successful completion of the probation period, the student may be required to attend periodic meetings with a University official. The terms of the probation will be tailored to fit the individual circumstances and may include a recommendation for alcohol/psychological counseling or satisfactory attendance at a substance education course, prevention workshop, program, or group, or the completion of other projects and service to the University or affiliated entities. Students placed on University probation may not hold student staff positions, including but not limited to: Resident Assistant, Orientation Leader, Administrative Assistant, Department Receptionist, Peer Tutor, Computer Lab Assistant, and Classroom Tech Assistant, for the duration of the probationary period. Students placed on University probation may not hold student leadership positions, including but not limited to: Undergraduate Student Council.
- f. University or Residential Service & Educational Projects and Programs**
Students may be assigned projects, programs and services (hereinafter referred to as "University Service") to the University or affiliated entities. "University Service" will be work performed at a stipulated location within the University and with a stipulated supervisor. The Dean of Academic and Student Affairs, or designee, will arrange and administer University Service sanctions. Failure to complete the assigned University Service or Educational Project within the specified time period may increase the assignment or result in additional sanctions. Failure to satisfactorily complete an assigned project, program or service will result in the notation: "Conduct penalty not completed" on the academic record. The notation will be removed upon completion of the assigned educational project, program or service.
- g. Suspension from the Residence Halls/Apartments**
A student may be required to move out of the residence halls/apartments for a given period. The student may apply to be readmitted to the residence halls/apartments following the period of suspension. No preference shall be given to such student in the readmission or re-entry process. Any individual under suspension from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of suspension from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.
- h. Expulsion from the Residence Halls/Apartments**
A student may be required to move out of the residence halls/apartments completely and permanently. Any student expelled from the residence halls/apartments is prohibited from entering all residence facilities, residence hall cafeterias and the grounds/roadways around the residence hall quads and apartment complexes. Any individual found violating these terms of expulsion from the residence halls/apartments may be suspended from the University and subject to prosecution under the law.
- i. Suspension from the University**
Upon suspension from the University, a person loses all the rights and privileges of a student of the University for a stipulated period and is prohibited from using or entering the campus or its facilities. Any suspended individual found on campus during the suspension period will be subject to arrest. Suspension from the University will result in a notation on the student's academic record. After a period of five (5) years, a student may request removal of the notation. Any student suspended will be blocked from registering for classes and must schedule a meeting with Academic and Student Affairs prior to registering/returning to the University.
- j. Expulsion from the University**
Upon expulsion from the University, a person loses all of the rights and privileges of a student and is prohibited from using or entering the campus or its facilities. Any expelled individual found on campus will be subject to arrest. Expulsion from the University will result in a notation on the student's academic record.

11. Appeals

a. Grounds

Either party may appeal the Review Panel findings on the following limited grounds:

- i. Significant violation of the student conduct procedures;
- ii. New information, unavailable at the time of the hearing, has become available and could have substantially impacted the decision; and/or
- iii. The sanction(s) imposed is/are disproportionate in relation to the student's conduct records and/or the nature of the violation.

b. Application for Appeal

Students wishing to appeal a disposition must submit a written application to the designated office within give (5) business days of receipt of the disposition. The application for appeal must identify which of the three grounds forms the basis of the appeal. Students must be in compliance with the disposition at the time of their appeal request and until a final decision on their appeal is rendered.

c. Appeal Procedure

If the appeal has been submitted within the specified time frame and has identified at least one of the permissible grounds for appeal the designated Appeals Panel will review all information submitted. The Appeals Panel may also request interviews with the parties involved. The Appeals Panel will provide the student with its decision in writing. The decision of the Appeals Panel will be final.

VIII. RECORDS

1. Student Conduct Records

Student conduct records shall contain documents and when appropriate recordings pertaining to proceedings carried out under the terms of the Code.

2. Maintenance of Records

Student conduct records (excluding recordings) will generally be maintained for a period of seven (7) years after the last incident except in cases of expulsion from the University which may be kept indefinitely.

3. Confidentiality of Records

Student disciplinary records, except as hereinafter provided, will be confidential to the extent possible in accordance with national and local laws relating to disclosure.

4. Academic Transcript Notation

A record of student conduct action shall be placed on a student's academic transcript in cases involving expulsion or suspension from the University; in the case of an academic dishonesty violation; or, in the case in which a penalty duly levied was not carried out by the student, a registration block will be placed on their academic record. In the latter case, the transcript notation and the registration block will be removed upon the completion of the action required by the penalty.

Five (5) years after the conclusion of the suspension, or in the case of a sanction imposed and not completed five (5) years from the date that the sanction was due, the Dean of Academic and Student Affairs (or designee), will consider written requests to remove the transcript notation. A transcript notation that a student "withdrew with conduct charges pending" may only be removed by completing the student conduct process. Transcript notations of expulsions and academic dishonesty are permanent and requests for removal will not be heard. However, if at any time a finding of responsibility is vacated for any reason, the resulting transcript notation shall be removed.

IX. AMENDMENTS AND MODIFICATION OF THIS CODE

Amendments and modifications of the Code of Student Responsibility are the responsibility of the SUNY Korea Council⁴. To assist the Council in meeting its responsibility, there will be a Committee including equal representation from the Judiciary Committee of Undergraduate Student Council, Committee of Department Chair Professors, Vice President and/or Dean of Academic and Student Affairs. This Committee, which may also include added members upon agreement of those already specified, shall meet tri-annually at the call of the Dean of Academic and Student Affairs, but any other representative may call meetings as often as necessary. The Committee shall submit such recommendations as it deems advisable and shall review such proposals as are suggested by the Council.

⁴ SUNY Korea Council is composed of six leadership officers of the University including: Provost, Vice President of Administration, Dean of Academic and Student Affairs, Dean of Strategic Planning and Relations, Dean of Admissions and Public Relations, and Dean of Administration and provides broad oversight and policy guidance to promote a safe and supportive learning environment that encourages student academic success, growth, and personal development.

X. EFFECTIVE DATE

Amendments and modifications to the Code shall take effect the semester following when the SUNY Korea Council accepts the changes or as mandated by national laws and regulations.

XI. APPENDIX

1. **Academic Integrity**

Intellectual honesty is a cornerstone of all academic and scholarly work. Academic dishonesty includes any act that is designed to obtain fraudulently, either for oneself or for someone else, academic credit, grades, or other recognition that is not properly earned or that adversely affects another's grade. Therefore, the University views any form of academic dishonesty as a very serious matter. Any member of the academic community may bring forward an accusation of academic dishonesty to the appropriate judiciary committee as noted below. Alleged violations of academic integrity are handled by Academic Judiciary Committee.

2. **Research Misconduct**

Cases involving allegations of scholarly/scientific misconduct in the course of the University's research programs and activities (whether sponsored or not) are governed by the provisions of University Policy SKAP170 (Policies and Procedures Governing Academic Dishonesty).