

**Buffalo State College**

**Code of Student  
Rights, Freedoms, and  
Responsibilities**

(Revised, September, 2011)

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**I. Introduction**

Higher education, with its emphasis on individual growth and independent thinking, requires a high degree of freedom. Yet, it also demands an orderly, harmonious atmosphere in which its members may pursue those aims in peace and security. Accordingly, the Buffalo State campus is governed by laws to foster such an atmosphere. Its policies and procedures are designed to guide student conduct and to ensure fair treatment for all students. Those policies follow and articulate student rights and responsibilities. Contact the Dean of Students Office (Student Union 306, 878-4618) should you require assistance with a specific issue or clarification of any policy. Students are expected to know the contents of this document.

This document recognizes that students have rights, freedoms and responsibilities both as citizens and as members of the college community. It is meant to be operable within the provisions of the Constitution of the United States; federal, state and local laws; and the policies of the Board of Trustees of the State University of New York.

The Code of Student Rights, Freedoms and Responsibilities is published each semester by the Office of Student Affairs. It defines student rights, freedoms and responsibilities; it defines proscribed student conduct; it provides due process and delineates sanctions when guilt has been properly determined.

Students should be aware that, effective June 1, 2004, Buffalo State College will indicate a permanent notation on the official college transcript of any student that is dismissed as a result of either serious and/or repeated violations of the *Code of Student Rights, Freedoms and Responsibilities*. Students dismissed from the College as a result of violations of the *Code* shall not receive credit for the semester in which the expulsion occurred and will be liable for all tuition and fees for that semester.

Students should also be aware that the College will vigorously prosecute students who violate provisions of the *Code* through abuse of alcohol and other substances. Behaviors that are detrimental to the learning environment and/or damaging to the reputation of the College (whether occurring on or off of college property) will not be tolerated. These include but are not limited to intentionally causing physical injury to self or others; the use of threats, harassment or intimidation; the verbal abuse of any other person; actions that result in bodily harm and sexual misconduct, sexual harassment, intimidation or assault, including rape. The provisions of the *Code*, presented at Article VI below, define the full circumstances under which violations of the *Code* occur. Persons who are found to be repeat offenders will be subject to increasing penalties, with the possibility of suspension or dismissal from the College.

The code has been approved by the College Council with the advice of the President and the College Senate.

**II. Title**

The code is titled, Buffalo State College *Code of Student Rights, Freedoms and Responsibilities*.

### **III. Authorization for Establishment of the Code**

Section 356, Education Law of the State of New York delegates to the Board of Trustees of the State University of New York authority to establish rules and regulations governing the operation of collegiate units. Within this authority, the Council for Buffalo State College is authorized to 1) make regulations governing the conduct and the behavior of students (Section 356, item G); 2) establish appropriate regulations, and 3) exercise supervision over student housing and safety (Section 356, item H).

### **IV. Definitions** The following terms, when used with reference to the Code of Student Conduct, are defined as follows:

- A. College: The term "college" refers to Buffalo State College.
- B. College Property: The term "college property" refers to all property owned, leased or on loan to the college and/or to college organizations. Such organizations include, but are not limited to, United Students' Government Inc., The Research Foundation of the State University of New York, and Auxiliary Services.
- C. College Document: The term "college document" refers to any college record, official communication or form.
- D. Personal Property: The term "personal property" refers to anything of value to which a person has possession or title.
- E. College Council: The term "college council" refers to a council for the State University College at Buffalo as provided by Section 356 of the Education Law. (Refer to the most recent issues of the Policies of the Board of Trustees.)
- F. Designated College Official: The term "designated college official" refers to a person who is employed by the college and authorized to perform in a prescribed manner.
- G. College Staff: The college staff includes college employees not classified as faculty, by Article II of the Policies of the Board of Trustees.
- H. Faculty: The term "faculty" includes members of the academic staff employed by the college to conduct instruction, research and other service programs. (Specific responsibilities are stated in the Policies of the Board of Trustees.)
- I. College Senate: The term "college senate" is defined in Article III of the By-Laws of the college (1973) as to the governance body of the college with respect to such matters as curriculum, instruction and research, professional welfare of the faculty, budget and staff allocation, student welfare, standards for students, international education, by-laws and elections and academic planning.
- J. Student: The term "student" includes all persons registered for course(s) at the State University of New York College at Buffalo, both full and part time, pursuing undergraduate or graduate studies.
- K. Student Organization: The term "student organization" means a group or association of students with a specific purpose which has complied with the formal requirements for recognition by the student government and/or the college,
- L. Trustees: The term "trustees" refers to the Board of Trustees of the State University of New York as defined by Section 356 of the State Education Law.

### **V. Student Rights and Freedoms**

#### **A. Freedom of Government**

Students have the right to organize and maintain democratic self-government.

#### **B. Academic Freedom and Responsibilities**

Students have the right to be informed of and are responsible for maintaining the standard of academic performance expected of them in each class and/or program in which they are enrolled. Students have the right to take reasoned exception with the data or views offered in any course of study and to hold differing opinions without fear of prejudiced or capricious academic evaluation.

**C. Freedom of Expression and Inquiry**

Students and student organizations have the right to meet, engage in discussion, pass resolutions, distribute leaflets, circulate petitions, invite speakers and take other action by orderly means which does not disrupt the operation of the institution. Except as proscribed herein, they are free to express opinions publicly or privately.

**D. Freedom of Communication Media**

Student communication organizations are to be free of censorship and advance approval of copy. Student editors and managers are free to develop editorial policies and news coverage in accordance with generally accepted standards of responsible journalism. Such public expressions are to be taken only as the work and opinions of their author(s).

**E. Freedom of Association**

Students are free to organize and join associations for educational, political, social, religious or cultural purposes, as consistent with law.

**F. Freedom from Disciplinary Action Without Due Process**

No sanction or other disciplinary action shall be imposed on a student by or in the name of the college without due process. This document defines due process at the college.

**G. Freedom from Improper Disclosure**

Information about student views, beliefs and political associations which faculty and college staff may acquire in the course of their duties at the college are to be considered confidential. Judgments of ability and character may be expressed in appropriate circumstances (e.g., letters of recommendation).

**H. Right to Privacy**

Students are protected from invasion of privacy and searches of their residences, except where a court ordered search warrant has been legally obtained or where permitted by the campus residence hall license or in the case of a danger to health or safety.

**I. Freedom from Prejudice**

Students have a right to be free from prejudice based on race, creed, sex, religion, ethnicity, sexual orientation, disability or age.

**J. Right to be Informed**

The college has the obligation to inform all students, within a reasonable time, of their rights, freedoms and responsibilities. Additionally, the college has the obligation to provide both

complainants and those accused of violations, within a reasonable time, a set of documents that clearly outlines the alleged violation, campus judicial process, possible sanctions, student advocacy rights and a list of available college and community support services.

## **VI. Violations of the Code of Rights, Freedoms and Responsibilities for Students**

**While on college property, while attending college-sponsored activities, or off campus where a definite, legitimate and substantial college interest exists, no student, either singly, or in concert with others, shall:**

### **A. Persons**

1. intentionally cause physical injury to self or others, threaten, harass, intimidate or verbally abuse any other person.
2. take any action for the purpose of inflicting bodily harm upon any person or take any action with such reckless disregard that bodily harm might result.
3. Engage in sexual misconduct in any form. Sexual misconduct shall include, but is not limited to instances of: sexual harassment, assault, rape, bullying, forced sexual touching, sexual exploitation, or any other offense or violation of this code that has a sexual component.
  - a. an individual CANNOT GIVE EFFECTIVE CONSENT who is under the age of consent, physically helpless, mentally incapacitated, severely impaired and/or incapacitated through use of drug or alcohol intoxication. The prior sexual experiences of the alleged victim of abuse and/or assault will not be considered in the determination of guilt to a charge of sexual abuse and/or assault.
4. engage in hazing, stalking, harassment or threats of violence based on, but not limited to, a person's race, ethnicity, national origin, religion, creed, sexual orientation, disability, age or gender. Examples of hazing include, but are not limited to: paddling or other physical abuse or brutality; activities that involve illegal acts of excessive fatigue and/or stress; verbal and/or psychological abuse that compromises the dignity of individuals.
5. physically restrain or detain any person or remove such person from any place where he/she is authorized to remain.
6. obstruct the free movement of persons and college-owned and/or operated vehicles on the college property.
7. without appropriate permission enter into a private office of an administrator, faculty or staff member or student organization.
8. disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or interfere with the freedom of any persons, including invited speakers, to express their views.
9. interfere with or disrupt any college office, classroom or activity through any means including the excessive use of amplified sounds or other electronic equipment.
10. vandalize, damage or destroy personal property of another individual.
11. remove or use another individual's personal property without authorization.
12. practice any form of dishonesty, including cheating, plagiarism, or furnishing false information to the college.

### **B. College Property**

1. vandalize, damage, misuse or destroy college property.
2. take college property such as supplies, equipment, services or documents without authorization.
3. misuse college supplies, services or documents.

4. misuse college property such as computer services, computer time, telephones, fax machines, and college or student records.
5. camp on college property without authorization by appropriate officials.
6. forge, transfer, alter or misuse any student record, identification card or other college document.

### **C. Safety**

1. fail to comply with a directive by a designated college official who has duly identified him/herself and is acting in performance of his/her duties on college property.
2. enter and remain in any building or facility for any purpose other than its authorized use or in such manner as to obstruct its authorized use by others.
3. without authorization remain in any building or facility after it is normally closed.
4. refuse to leave any building or facility after being directed to do so by an authorized college official.
5. have in his/her possession on college property any dangerous knife, rifle, shotgun, pistol, revolver or other firearm without the written authorization of the chief administrative officer, whether or not a license to possess same has been issued to such person.
6. use or have in his/her possession on college property any fireworks without the written authorization of the chief administrative officer.
7. possess, sell, use or distribute illegal drugs on college property. (This includes possession, use, sale and/or distribution of alcoholic beverages other than in authorized areas and to persons at least 21 years of age.)
8. smoke in any indoor areas on college property except in residence hall rooms with the consent of the occupant(s) of that room.
9. make a false report of a bomb, fire or other emergency in any building, structure or facility on college property.
10. alter or make unwarranted use of firefighting equipment, safety devices or other emergency safety equipment.
11. have animals in the residence halls or other college buildings without written authorization from appropriate college officials. (Assistant dogs are permitted as needed for those with physical impairment.)
12. leave animals unleashed or otherwise unattended on college property.
13. violate college parking and driving regulations. (Parking is prohibited at all times on roadways, sidewalks, lawns, grounds, lanes and throughways of parking areas except as posted. The college may have illegally parked vehicles towed away, the expense of which will be borne by the violator. Vehicles may be towed if they have acquired excessive parking violations.) Violations of this section are referred to the Traffic Appeals process. Students are notified of the appeals process through the Traffic Office. The determination of the hearing officer is final.
14. drive motorcycles, snowmobiles or other mechanized vehicles on college property other than on provided roadways. (Aids to the disabled are exempted.)
15. violate the rules and regulations governing residence halls as stated in the most recent edition of the Student Handbook.
16. violate the guidelines established in the Residence Hall License agreement.
17. violate the established rules and regulations governing registered student activities. (Guidelines pertaining to registration of activities, use of campus facilities and organizational responsibilities are available from the Student Life Office.)
18. fail to keep the Records and Registration Office informed of his/her current mailing address and any change thereof.
19. incite any other person(s) to commit any of the acts herein prohibited.

#### **D. Other**

For disciplinary action to be taken against a student for violation of a federal, state or local criminal statute, a definite relationship between the statutory violation and the college's rules and regulations must exist. The violation of a statute or conviction off campus must be shown to be such that it justifies action by the College Court.

### **VII. Judicial System**

#### **A. Jurisdiction and Double Jeopardy**

The college judicial system's functions are to respect the rights of both complainants and defendants and to render fair judgments. It is not bound by the technical and formal rules of evidence.

The college judicial system has original jurisdiction in matters concerning infractions and violations of the Code of Student Rights, Freedoms, and Responsibilities. Enforcement of college rules and regulations does not constitute double jeopardy even when students are charged with violation of state or federal laws as well as with violation of college rules and regulations.

**B.** The Judicial System of the State University College at Buffalo is comprised of the following positions appointed by the president or his/her designee and fulfill the following functions:

- 1. Director:** The Director shall be the Dean of Students or his/her designee. He/she will:
  - a. train judicial board members, appeals board members and advocates for students.
  - b. organize judicial hearings.
  - c. initiate consultations between affected students and advocates for students.
  - d. ensure adherence to college judicial procedures and, whenever possible, attend judicial board hearings.
  - e. organize appeals board meetings.
  - f. whenever possible, informally resolve grievances, disputes and accusations in accordance with the limitations and procedures stipulated in VIII.D. of this document.
  - g. ensure compliance with the findings of the judicial board.
  - h. prepare an annual report to be made available to the college community at the beginning of the subsequent academic year. This report will:
    - provide statistical data on the number of hearings and the sanctions imposed for specific violations, and
    - document the participation and college service of judicial board members and advocates for students.

#### **2. Advocate for Students**

The Advocate for Students will be drawn from a list of faculty and/or staff members selected and trained by the Director.

Advocates for students will advise affected students of their rights and responsibilities, resources that are available to them, and college judicial procedures preparatory to informal resolution or a judicial hearing.

### 3. **Judicial Boards**

#### a. **composition and limitations**

- 1) The College Court will consist of two Judicial Boards that will be appointed by the President from a list of volunteers recommended by the College Senate for a term of two years. Students may elect to serve for one or two years. Each Judicial Board will consist of seven persons, including: three students, two faculty members and two college staff members. Each board will also consist of two students, one faculty member and one college staff member serving as alternates. These boards will hear cases on a rotating basis. Additional boards may be appointed by the president upon recommendation of the director. Board members may serve on either board as deemed necessary by the Director.
- 2) The following persons may not serve on the judicial boards: the Dean of Students, University Police officers and staff, staff members of the Office of Residence Life, and the Office of Student Life, its student interns and resident assistants.
- 3) Any board member who has a personal or professional interest in the outcome of a case must disqualify him/herself from hearing that case. Where the director has reason to suspect that such an interest exists, the director must request the board member to disqualify him/herself and inform the board of that request. A simple majority of the board may elect to exclude a board member from participating where the board believes a personal or professional interest exists.
- 4) A quorum shall consist of five members, including the chairperson, at least one of whom must be a student.

#### b. Judicial boards will:

- 1) hear and evaluate charges and evidence.
- 2) question participants on matters directly germane to the case.
- 3) make judgments of guilt or innocence.
- 4) make final determinations of sanctions in cases of guilty verdicts.

### 4. **Judicial Board Chair(s):** The Judicial Board Chair position shall be filled by college faculty and professional staff drawn from the judicial board pool and serving on a rotating basis. Judicial board chairs will:

- 1) chair hearings: formally present charges to the board and ensure the orderly and thorough presentation of necessary evidence, participate in board discussion and vote on guilt or innocence.
- 2) inform the accused of the judgment of the judicial board. (Interim suspension, suspension and expulsion can be imposed only by the college president.)

### 5. **Appeals Board**

#### a. **Composition:** Members of the appeals board will consist of five members, as follows:

1. one faculty member, one staff member , two students, one member of the College Council
2. The chair of the appeals board shall be appointed by the president for a two year term from the faculty or staff members of the appeals board. The chair formally presents all information on the case being appealed, participates in board discussion, and votes on all matters before the board.

3. Members of the Appeals Board will be appointed from a list of volunteers for a term of two years by the college president upon the recommendation of the College Senate except that College Council members will be appointed by the chairman of the College Council. Students may elect to serve for one or two years.
4. A quorum shall consist of three members, including the chairperson, at least one of whom must be a student.

b. The appeals board will:

1. determine which cases will be granted appeals.
2. review such cases.
3. where deemed appropriate, allow students who have received guilty verdicts to personally address the board and answer questions posed by members of the appeals board.
4. In cases where sexual misconduct is alleged, the appeals board will, where deemed appropriate, allow complainants who wish to challenge the results of a hearing to personally address the board and answer questions posed by members of the appeals board.
4. where deemed appropriate, vacate convictions in verdicts and/or reduce sanctions.
5. where deemed appropriate, grant new hearings; and
6. where deemed appropriate, uphold the decisions of the original hearing board.

### **C. Initiating Complaints and Scheduling Hearings**

Complaints may be initiated by any member of the college community - student, faculty, and/or staff. Any complaint concerning a violation of the Code of Student Rights, Freedoms, and Responsibilities should be made or referred to the director of the college judicial system as soon as practicable but no later than the end of the semester after the incident occurred. All complaints must be filed in writing, dated and signed by the complainant(s). If it is determined by the director that the complaint is within the jurisdiction of the judicial board and no informal resolution can be made, a hearing shall be scheduled. Both the complainant(s) and accused shall be notified by certified mail, return receipt requested at least two weeks before the hearing date. The hearing will be concerned only with the allegations written in the complaint.

In cases where sexual misconduct is alleged, the complainant and accused shall, upon request of either party, be separated from view of each other during the course of a hearing, such that both parties and the hearing board are able to hear each other.

Judicial board hearings are normally held on either Tuesday or Thursday between 12:15 and 1:30 PM.

### **D. Informal Resolution**

1. An informal resolution is an agreement negotiated by the director of the judicial system and the accused. Where an informal resolution is not possible, a formal hearing must be held.
2. Informal resolution may not result in interim suspension, suspension, or dismissal from the college.
3. The Campus Mediation Service provides an additional method for informal resolution permitting students through the assistance of trained mediators to decide a workable

solution between and among themselves. Involved students may be asked to participate in a conflict management workshop.

4. Cases involving violations of this code and/or the guidelines established in the Residence Hall License Agreement may be considered for informal resolution except as otherwise noted. Those emanating from residence hall grievances, disputes, and accusations may be referred to the residence halls' judicial system for informal resolution at the discretion of the director. The following are excepted from informal resolution:
  - a. sexual harassment, intimidation, or assault on any person, including rape, regardless of the nature of the relationship between the persons involved. (VI.A.1.c.)
  - b. disruption or prevention of the peaceful and orderly conduct of classes, lectures and meetings or interference with the freedom of any person, including invited speakers, to express their views. (VI.A.5.)
  - c. forgery, transfer, alteration or misuse of any student record, identification card or other college document. (VI.B.6.)
  - d. false report of a bomb, fire or other emergency in any building, structure or facility on college property. (VI.C.9.a.)

#### **E. Hearing the Case**

Defendants and complainants may each bring an advisor of their choice at their own expense. This person may assist them during the hearing. The advisor takes no direct part in the proceedings, unless permitted to do so by the chair although he or she may advise students during the proceedings. All hearings are closed to the public. Only individuals directly concerned with the extant case may be present during a hearing; e.g., complainant(s), witnesses, the accused, advisor(s). Observers are not allowed. It is the responsibility of both the defendant and complainant(s) to notify witnesses of the time and place of the judicial hearing. Complainants and defendants are responsible for presenting their cases, with the assistance of an advisor if desired and have the right to present witnesses on their behalf and to ask questions of witnesses presented by the opposing party or parties. No evidence other than that received at the hearing may be considered by the hearing board. Written statements by anyone not present at the hearing are not acceptable.

#### **F. Decisions**

The hearing board will determine the responsibility of the student(s) accused by a simple majority plus one vote of those present during the entire hearing. Judgment shall be based solely upon the evidence presented at a hearing. In cases where sexual misconduct is alleged, judgment shall be based solely upon a preponderance of the evidence presented at the hearing. In the case of a "responsible" decision, short of suspension or dismissal from the college, the hearing board shall determine the sanction. Sanctions will be determined by a simple majority vote. Past disciplinary records may be taken into consideration.

The chairperson shall present the decision of the hearing board to the defendant and summarize the reasons for the decision. A student found in violation of this code will be asked to sign a statement indicating that he/she understands the ruling. Signing this statement does not necessarily indicate agreement with the decision.

Both the defendant and the complainant must be informed as soon as practicable but no later than 30 days after the outcome of any institutional disciplinary proceeding brought alleging violation of the code. The outcome of a disciplinary proceeding represents only the institution's final determination with respect to the alleged offense and any sanction that is imposed against the defendant.

## G. Sanctions

It is the responsibility of the student to complete sanctions within the required time period. A student found in violation of this code must return to the director of the college judicial system, the "Completion of Sanction" form signed by the appropriate individuals. Failure to complete sanctions may result in an official "hold" placed on all permanent records of a student and/or further charges being brought.

In the event of non-compliance with an order of suspension or dismissal, University Police will be responsible for ensuring enforcement. The following sanctions may be imposed upon an individual, or student organization, if found guilty of one of the specified violations:

1. reprimand or warning: Written notice that continuation or repetition of the violation within a period of time stated in the warning may be a cause for more severe disciplinary action.
2. social probation: Restriction from participation in specified college/sponsored activities, events, or use of specified college facilities.
3. restitution: Reimbursement for damage or misuse of property.
4. College or community service: In consultation with the Dean of Students, individuals may be assigned appropriate community or college service. Such service may not exceed 40 hours and may not conflict with the student's religious or ethical views.
5. disciplinary probation: Status of student is declared probationary for a specific period of time which shall not be less than three months nor more than one calendar year. Further violation of recognized rules and regulations may warrant immediate suspension or expulsion from the college. This sanction precludes the individual from representing the college in an official capacity such as intercollegiate athletics or student office, and it may include the loss of specific privileges.
6. suspension or dismissal: The hearing board may recommend to the college president that a student found in violation of this code be suspended or dismissed from the college. Effective June 1, 2004, Buffalo State College will indicate a permanent notation on the official college transcript of any student that is dismissed as a result of either serious and/or repeated violations of the *Code of Student Rights, Freedoms and Responsibilities*. Students dismissed from the College as a result of violations of the *Code* shall not receive credit for the semester in which the expulsion occurred and will be liable for all tuition and fees for that semester.
7. interim suspension: The college president may suspend a student pending a hearing and determination thereof, whenever: in his/her considered judgment the continued presence of such student would constitute a clear danger to him/herself or to the safety of persons or property or would pose an immediate threat of disruptive interference with the normal conduct of the institutions' activities and functions, provided, however, that the president shall grant a hearing, within a reasonable period, on the request of any student so suspended with respect to the basis for such suspension. During this period of such a suspension, the student shall not, without prior permission of the president or his/her designated representative, enter or remain on the campus of the State University College at Buffalo other than to attend the hearing. Violation of any condition of the interim suspension shall be grounds for dismissal from the college. The student must leave the campus within 48 hours of notification of the suspension or expulsion unless an appeal is granted or an extension is approved by the college president or his/her designee. The suspended or expelled student may not visit the campus unless prior permission by the college president or his/her designee is given.
8. Sanctions for Residence Hall Related Violations:
  - a. residence hall probation. A student's resident status is declared probationary for a specified period of time. Residence hall probation is a strict warning against further violation(s) of residence hall/college policies. Further violations may result in loss of a student's license to live on campus.

- b. imposed reassignment. A resident student will be reassigned to an available space on campus to be determined by the judicial hearing board and director of residence life. The student will be required to move to the new assignment within a specified and reasonable period of time or be subject to immediate suspension from the residence halls.
- c. suspension/expulsion from the residence halls. The student will be required to vacate the residence halls for a reasonable specified period. The student may apply to the director of residence life or his/her designee to be readmitted to the residence halls following a period of suspension. Any individual under suspension or expulsion from the residence hall is prohibited from entering any residence hall without explicit permission, in writing, from the director of residence life of his/her designee.

#### **H. Absence of Defendant**

If the defendant does not appear at the hearing and if it has been determined that the defendant did receive the required notice of the hearing, the case will be heard in his/her absence and a decision will be rendered by the judicial board.

#### **I. Absence of the Complainant**

If the complainant does not appear at the hearing and if it has been determined that the complainant did receive the required notice of the hearing, the case may be dismissed.

#### **J. Absence of Quorum**

In the event that a quorum of the hearing board is not present, the hearing will be rescheduled. The rescheduled hearing will take place within ten days of the first hearing date.

#### **K. Reporting Decisions**

A written report of the findings of the judicial hearing and the sanctions , imposed or recommended, by the board, shall be prepared by the chairperson and forwarded to the director of the college judicial system, the vice president for student affairs and, where necessary, the college president.

#### **L. Appeals**

1. Any student found in violation of the rules and regulations of the Code of Rights and Responsibilities has the right to request an appeal of any decision made by a judicial hearing board.
2. In cases where sexual misconduct is alleged, both the complainant and the victim have the right to request an appeal of any decision made by a judicial hearing board.
3. An appeal must be made in writing to the director of the judicial system within ten **(10)** days of receiving notification of the outcome of the hearing. An appeal must include the specific reason(s) for the request: procedural error, inappropriate application of college regulations, presence of new information, or the leniency or severity of sanctions imposed. Appeals may include requests to personally address the appeals board. The appeals board shall first determine whether or not an appeal will be granted. If granted, the appeals board shall schedule a hearing. In cases where an error is found or there is compelling new evidence, the appeals board shall set aside the original decision and either enter its own judgment or recommend a new hearing. The appeals board may elect to request to speak directly with complainants, witnesses or student (s) accused.

4. Reporting Decisions: The appeals board shall follow the same procedure as the judicial hearing board.

#### **M. Judicial Records**

1. Student records, including files, taped proceedings and testimony of cases heard before the judicial hearing board are confidential.
2. College guidelines concerning the confidentiality of student records in accordance with the "Family Educational Right and Privacy Act (PL 93-380) of 1974," as amended, shall be followed.

#### **N. Non-Retaliation Policy**

Both complainants and accused students are prohibited from engaging in any form of retaliatory action against the other party, any witness at a hearing, members of the hearing or appeals boards, judicial affairs staff or any other party associated with the complaint.

### **VIII. Revisions and/or Amendments**

All revisions and/or amendments to the Code of Student Rights, Freedoms, and Responsibilities must be approved by the College Council with the advice of the president and the College Senate.

*Revised September 2011*