

SANCTIONS

For ESF Code of Student Conduct violations, a variety of sanctions may be considered. The complainant and respondent have the right to know the sanction(s) that may be imposed based upon the outcome of ESF's student conduct process proceeding as well as the rationale for the actual sanction imposed. Student conduct officers or the College Hearing Board may impose sanctions up to and including expulsion from the College and may impose sanctions that are educational and/or remedial specific to the facts of a given case. A respondent's prior conduct history shall be considered in the determination of appropriate sanctions.

- **Educational Project:** The primary goal of the student conduct process is education. Respective boards and student conduct officers may design sanctions that are specific to an individual case when it is determined that educational value may result and the interests of the College community are maintained. In addition to one of the statuses listed below (except in cases of expulsion), respondents will be asked to complete an additional educational activity at the discretion of the student conduct officer or hearing board. Examples of such activities include, but are not limited to: reflection papers, community restitution, drug/alcohol evaluations, and workshop attendance.
- **Disciplinary Reprimand:** In instances of less serious deviations from the Code of Student Conduct, the respondent(s) may be formally warned of the possible consequences of continuing such behavior. Additional educational projects may be imposed at the discretion of the student conduct officer or hearing board.
- **Disciplinary Probation:** This action constitutes a change in status between good standing and suspension or expulsion from the College for a designated period of time as outlined in the disposition (outcome) letter. The student or student organization is permitted to remain enrolled at or retain recognition by the College under stated conditions, depending upon the nature of the violation and upon the potential learning value that may derive from specific restrictive measures. Additional conditions or restrictions may also be imposed, including, but not limited to, removal of access to Centennial Hall or other College facilities or programs. Further violations may result in suspension or expulsion from the College.
- **Suspension:** This action results in the involuntary withdrawal of the respondent from the College, or in loss of recognition for a student organization, for a specific period of time and/or until specific conditions have been met. A suspended respondent or student organization is prohibited from any presence or activity on College-owned and/or associated property and from participation in any class or program offered by the College. The respondent's official transcript will contain a notation regarding the suspension for violation of the Code of Student Conduct. See Transcript Notation for more information. Appropriate College offices, including Syracuse University, will be notified of this change in student's status once it is confirmed as final.
- **Expulsion:** This action results in the termination of a respondent or student organization's status at ESF and the respondent or student organization is permanently separated from the College and is prohibited from any presence or activity on College-owned and/or associated property and from participation in any class or program offered by the College. The respondent's official transcript will contain a permanent notation regarding the expulsion for violation of the Code of Student Conduct. See Transcript Notation for more information. Appropriate College offices, including Syracuse University, will be notified of this change in respondent's status once it is confirmed as final.

For Academic Integrity violations, the following chart shows the recommended sanctions:

1st Offense	2nd Offense	3rd Offense	4th Offense
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Assignment/Exam Failure -and/or- Course Failure Reflection Paper	Disciplinary Probation for Remainder of ESF Tenure Assignment/Exam Failure -and/or- Course Failure Educational Project	Suspension (full semester minimum)	Expulsion
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A range of sanctions are available for cases involving **domestic violence, dating violence, stalking, and sexual assault**:

- For students who are found responsible for domestic violence, the available sanctions are disciplinary probation with additional requirements, suspension with additional requirements, and expulsion.
- For students who are found responsible for dating violence, the available sanctions are disciplinary probation with additional requirements, suspension with additional requirements, and expulsion.
- For students who are found responsible for stalking, the available sanctions are disciplinary probation with additional requirements, suspension with additional requirements, and expulsion.
- For students who are found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion.

In cases where the outcome is suspension or expulsion or where privileges and/or access are restricted, Syracuse University also receives notification of the outcome. It is the practice between ESF and Syracuse University to jointly uphold student conduct decisions. ESF students who are restricted in any way from either being on campus and/or from any activities, etc. will also be restricted from the same at Syracuse University.

Sanctions shall be considered effective immediately after the written decision is made available unless specifically noted in a disposition (outcome) letter. If an appeal is filed, the sanction shall be suspended until the appeal process is completed. No transcript notation or change in student status will occur until such time that the decision is final.

Financial Responsibility

Any student receiving suspension or expulsion shall be liable for all tuition and fees due for the term during which the student was separated from the College and shall not receive academic credit for the semester in which the suspension or expulsion occurred.

Transcript Notation

Upon final resolution of a case, a notation will be made on the transcript of a student whose suspension or expulsion occurred as the result of a violation of the Code of Student Conduct. After a period of one year from the term in which the student is permitted to return to ESF, a suspended student may petition to the Dean of Students (or designee) to have the transcript notation removed. All petitions for transcript notation removal should be submitted in writing. Submissions must include: a brief description of the incident and the sanction imposed; reflection on the actions that resulted in the sanction and how the incident have impacted the respondent as well as others; what impact, if any, has the transcript notation had on the respondent; and, why the respondent is requesting the notation be removed. A transcript notation for expulsion shall be permanent.

Withdrawal from ESF Prior to Conduct Resolution

A student who withdraws from ESF prior to conduct resolution shall not be exempt from the proceedings described herein and a notation of “conduct charges pending” will be placed on that student’s official College transcript. The enforcement process shall be followed with the accused student receiving due notice of hearing. Any resulting sanction of suspension or expulsion will replace the “withdrawal” or “conduct charges pending” status on the official College transcript. Lesser sanctions shall be kept on file in the permanent academic record for reference if the student applies for readmission. The completion of any assigned conditions of sanction outlined in the disposition (outcome) letter will be considered in all applications for readmission to the College following a period of suspension or withdrawal.

A student who withdraws under the circumstances above is not permitted to enter onto ESF owned and/or associated, operated, or controlled property nor to participate in any class or program offered by ESF until the pending matter is resolved. Additionally, Syracuse University will be notified of the withdrawal and may exercise their discretion as to access to the Syracuse University campus and facilities.

Appealing an Outcome

A complainant and/or respondent dissatisfied with the determination of a Committee on Academic Honesty, a student conduct officer, or a College Hearing Board may appeal by completing and returning a Petition to Appeal. Appeals must be submitted within 5 days of being notified of the decision. All appeals must be authored and signed by the submitting party. Appeal statements as attached to the appeal form must not be more than ten (10) pages, double-spaced, using 12-point font and 1-inch margins (not including supporting documentation and/or evidence).

Appeals must be based on one or more of the following criteria:

- New evidence not reasonably available at the time of the original hearing, the absence of which can be shown to have had a detrimental impact on the outcome of the hearing,

- Procedural error that can be shown to have had a detrimental impact on the outcome of the hearing,
- Errors in the interpretation of College policy so substantial as to deny either party a fair hearing; and/or
- Grossly inappropriate sanction having no reasonable relationship to the charges.

An appeal by one party will be forwarded by the Office of the Dean of Students to the other party. When an appeal has been filed, the other party will be permitted to respond in writing, specifically addressing the issues raised in the appeal, within three (3) business days after the appeal has been made available. Responsive submissions must not be more than ten (10) pages, double-spaced, using 12-point font and 1-inch margins (not including attachments.) Any responsive document will be forwarded by the Office of the Dean of Students to the appealing party.

During the appeal period, (implementation of) sanctions will be deferred, unless concern for campus safety necessitates immediate implementation of sanctions.

Appeals are not a rehearing of the original allegation(s) and must be based on one or more of the above criteria to be considered. The written appeal must detail the grounds for the appeal. Appeals are reviews of the record (written and, when determined by the College Appeals Committee to be appropriate, the audio recording). The Committee reserves the right to meet or not meet with the parties involved as well as to listen (or not) to the audio recording of the original hearing. The appeal process is an administrative one, and in most cases, the parties involved will not be asked to meet with the Committee.

Appeals are considered in a fair and impartial way by the College Appeals Committee (the Committee). The Dean of Students (or designee) will determine the composition of the Committee. The Committee is generally comprised of three members of the faculty/staff and/or student body (based on the respondent's undergraduate or graduate standing) selected from a pool of members who have received training in the College's student conduct process and will not include individuals with a conflict of interest.

The Committee will determine whether the grounds for appeal have been satisfied and will either grant or deny the appeal by a majority vote. If the appeal is granted, the Committee may recommend upholding a sanction, changing a sanction, or ordering a new hearing.

- In considering the change, the Committee will do so only in the clear abuse of discretion by the hearing authority.
- In considering appeals based on a Procedural Error, the Committee will order a new hearing only if the error is found to be substantial enough to have changed the outcome of the hearing.
- In considering appeals based on New Evidence, the Committee will order a new hearing only if the new evidence was not available at the time of the original hearing and is found to be substantial enough to change the outcome of the original hearing.

The Committee shall render a written recommendation outlining the factual basis for its decision, together with its opinion of the sanction, to the Dean of Students (or designee). If the recommendation is not unanimous, a written minority opinion may become part of the record.

The Dean of Students (or designee) may amend or revise the recommendation of the Committee. The complainant and respondent shall be informed simultaneously by the Dean of Students (or designee) of the final decision within five (5) business days of the decision being rendered. In cases where decisions are rendered when classes are not in session, this timeframe may be altered as needed.

After an Appellate Decision is Made

Both the reporting individual and the respondent have the right to choose whether to disclose or discuss the outcome of the student conduct process. Additionally, students have the right to have all information obtained during the student conduct process be protected from public release until the Dean of Students (or designee) makes a final determination unless otherwise required by law.

However, this does not allow students to unreasonably share private information in a manner intended to harm or embarrass another individual or in a manner that would recklessly do so regardless of intention. Sharing in this way may be viewed as retaliation and this may result in separate, additional student conduct charges.