

STATE UNIVERSITY OF NEW YORK

College of Environmental Science and Forestry

Student Judicial Handbook

STUDENT JUDICIAL HANDBOOK

State University of New York

College of Environmental Science and Forestry

Revised June 2007

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1. Philosophy of the Code of Student Conduct

- 1.1 The College of Environmental Science and Forestry is an institution of higher learning where growth and development are fostered, excellence is pursued, and the highest standards of integrity are expected in all areas of life. The College is committed to providing an environment where persons are safe, property is secure, the individual rights of all persons are respected, and education of the highest quality is sought.
- 1.2 The Code of Student Conduct outlines the behavior that is expected of all students at the College of Environmental Science and Forestry. As a condition of enrollment, all students shall review the Code of Student Conduct and shall submit a statement to acknowledge that they have read and understood the provisions of the Code.
- 1.3 Violations of the Code of Student Conduct will be adjudicated through the College's Judicial System, which is designed to reflect and support the educational mission of the institution, and to ensure the fair and equitable treatment of all individuals charged with or victimized by student misconduct.
- 1.4 The College of Environmental Science and Forestry considers its Code of Student Conduct as minimal expectations and seeks to foster a commitment to the highest standards of ethical behavior by the coherent, consistent and fair manner in which it enforces its rules and regulations. The College views its judicial process as a learning experience which is intended to result in the growth and personal understanding of individual responsibilities for all parties.

2. STUDENT RIGHTS & RESPONSIBILITIES

The College of Environmental Science and Forestry is an academic community in which all persons—students, faculty administration and staff—share responsibility for its growth and continued welfare. As members of the College community, students can reasonably expect that the following rights will be respected by all College offices, programs, employees and organizations.

The College of Environmental Science and Forestry further encourages all members of this community to endorse, support and abide by the following principles which this community has deemed fundamental to its mission and integral to its growth.

1. **Speech/Expression/Press:** Students have the right to express themselves freely on any subject provided they do so in a manner that does not violate the Code of Student Conduct. Students, in turn, have the responsibility to respect the rights of all members of the College to exercise free expression.
2. **Non-discrimination:** Students have the right not to be discriminated against by any employee or official of the College of Environmental Science and Forestry for reasons of race, color, religion, creed, ethnic or national origin, marital status, sex, sexual orientation, age, disability, political or social affiliation, or veteran status. Students have the responsibility not to discriminate against others in their individual roles or as members of student organizations.
3. **Assembly/Protest:** Students have the right to assemble in an orderly manner and engage in peaceful protest, demonstration and picketing which does not disrupt the function of the College, threaten the health or safety of any person, or violate the Code of Student Conduct or the SUNY Rules for the Maintenance of Public Order, or local, state or federal law.
4. **Religion/Political Association:** Students have the right to exercise their religious convictions and associate with religious, political or other organizations of their choice provided they do so in a manner that respects the rights of other members of the community, complies with the Code of Student Conduct, and is consistent with State University and College policies on use of facilities for religious and political purposes. Students have the responsibility to respect the rights of other members of the College community to freely exercise their religious convictions and to freely associate with organizations of their choice.
5. **Privacy/Search/Seizure:** Students have the right to privacy and to be free from unreasonable searches or unlawful arrest on College property and within their on-campus residences. Students have the responsibility to respect the privacy of other members of the College community in their person and in their place of residence.
6. **Academic Pursuits:** Students have the right to accurate and plainly stated information relating to maintaining of acceptable academic standing, graduation requirements, and individual course objectives and requirements. Students can expect instruction from competent instructors and reasonable access to those instructors. Students have the right to a productive learning environment and the responsibility to attend class and know their academic requirements.
7. **Quality Environment:** Students have the right to expect a reasonably safe environment supportive of the College's mission and their own educational goals. Students have the responsibility to protect and maintain that environment and to protect themselves from all hazards to the extent that reasonable behavior and precaution can avoid risk.
8. **Governance/Participation:** Students have the right to establish representative governmental bodies and to participate in College and State University of New York governance in accordance with the rules and regulations of the College. Students who accept representative roles in the governance of the College have the obligation to participate responsibly.
9. **Due Process:** Students have the right to due process before and after formal disciplinary sanctions are imposed by the College for violations of the Code of Student Conduct—as provided in the published procedures of this Code or other official College publications. No change in the status of any student shall occur for disciplinary reasons until after the student has been given written notice of, and opportunity for, a formal hearing—except instances in which the student's conduct constitutes a threat to persons or property.
10. **Confidentiality:** Students have such rights to access and to control access to their education records as are provided by the federal Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment. These include the rights to view and challenge the content of specified records, to control the release of personal and academic information to third parties, and to suppress all or some information categorized as “directory information” by legislation.

3. CODE OF STUDENT CONDUCT

The College of Environmental Science and Forestry considers the following behavior, or attempts thereof, by any student or student organization, whether acting alone or with any other persons, to violate the Code of Student Conduct.

1. Academic dishonesty, including but not limited to plagiarism and cheating, and other forms of academic misconduct; for example, misuse of software, data, equipment, or networks, or any act that hinders the academic process. Further definitions are detailed in Appendix A: Academic Dishonesty Definitions.
2. Physical harm or threat of physical harm to any person or persons, including, but not limited to; assault, sexual abuse or other forms of personal abuse.
3. Harassment, whether physical or verbal, oral or written, which is beyond the bounds of protected free speech, directed at a specific individual(s), easily construed as “fighting words,” and/or likely to cause an immediate breach of the peace.
4. Conduct which threatens the mental health, physical health or safety of any person or persons, including defamation, hazing, drug or alcohol abuse, and other forms of destructive behavior.
5. Intentional disruption or obstruction of lawful activities or the learning environment of the College or its members, including their exercise of the right to assemble and to peaceful protest.
6. Theft of or damage to personal or institutional property or services and illegal possession or use of the same.
7. Forgery, alteration, fabrication or misuse of identification cards, records, grades, diplomas, and College documents, or misrepresentation of any other kind to a College office or official.
8. Unauthorized entry, use, or occupation of College facilities and properties that are locked, closed, or otherwise restricted as to use.
9. Disorderly conduct, including, but not limited to, public intoxication; lewd, indecent or obscene behavior; and illegal gambling.
10. Illegal purchase, use, possession or distribution of alcohol, drugs or controlled substances and/or violation of the College’s Alcohol and Other Drugs Policy. See Appendix B of this Judicial Handbook for complete policy and standard sanctioning guidelines. ESF complies with the policies and sanctions of the Drug-Free Schools and Communities Act Amendments of 1989 (PL 101-226).
11. Failure to comply with the directives of College officials who are performing the duties of their office, especially as they relate to safety or security.
12. Unauthorized possession or use of firearms, explosive devices, fireworks, dangerous or illegal weapons or hazardous materials.
13. Interference with or misuse of fire alarms, blue safety lights, elevators, or other safety and security equipment or programs.
14. Violation of any federal, state, or local law which has a negative impact on the well-being of the College of Environmental Science and Forestry or its individual members. Students are expected to comply with all government regulations and College policies in the area of environmental health and safety, including, but not limited to, those outlined in the ESF Laboratory Safety Guide and Chemical Hygiene Plan.
15. Violation of College policies, rules or regulations that are published in the student handbook, or other official College publications or agreements pertaining to the educational mission of the institution.

Culpability is not diminished for acts in violation of this Code that are committed in ignorance of the Code or under the influence or improper use of alcohol or illegal or controlled substances.

4. JURISDICTION

- 4.1 The College judicial system has jurisdiction over all alleged violations of the Code of Student Conduct by any student or student organization that is brought formally to its attention. Jurisdiction of the College judicial system extends to alleged misconduct that takes place on College-owned or College-controlled property, on property close to the College campus, including the Greek chapter houses or student neighborhoods, or at ESF regional properties; alleged misconduct that takes place at any College-sponsored event. NOTE: Jurisdiction and discipline will also be applied to off-campus misconduct, as defined by the Code of Student Conduct, which adversely affects the College community or the interests and mission of the College.
- 4.2 College judicial proceedings are administrative in nature and are held independent of any criminal individual and/or civil proceedings that may be concurrently in process. Judicial proceedings are intended to enforce the Code of Student Conduct at the College of Environmental Science and Forestry, although the conduct in question may be simultaneously in violation of Syracuse University's Code of Student Conduct or federal, state or local laws. The College may notify local and federal authorities when a serious violation of a criminal nature has occurred, but such notification will not modify the College's responsibility to adjudicate the alleged misconduct through its own judicial system. Students at ESF also are subject to provisions governing behavior as stated in the "SUNY Rules for the Maintenance of Public Order." The document is printed in the ESF Student Handbook and is available on the ESF website at <http://www.esf.edu/students/handbook/>.
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Principles Governing Coordination of the Judicial Systems of ESF and Syracuse University (SU)

- 4.3 Under a contract between Syracuse University and the State of New York, Syracuse University provides instruction, student support services and library and computer services to ESF students. ESF students also contract individually with Syracuse University for residence and dining hall services. The following principles define the relationship between ESF students and Syracuse University with regard to academic and personal conduct, and the jurisdiction of ESF and SU judicial systems. In all cases involving ESF and Syracuse University judicial processes, open and full communication between the two campuses shall be pursued to promote the equitable and timely disposition of Code of Student Conduct violations.

Jurisdiction: Academic Conduct

- 4.4 ESF students enrolled in Syracuse University courses are subject to the jurisdiction of the Syracuse University Code of Student Conduct. All cases of academic dishonesty involving ESF students in SU courses are handled by the Syracuse University Judicial System. Certain sanctions, e.g., an F on an exam or in a course, or prohibition from further registration at Syracuse University, can be administered directly by SU. For more serious violations, the sanctions of suspension or dismissal can be recommended by SU, but can be enacted only through the judicial system processes at ESF.

Jurisdiction: Personal and Social Misconduct

- 4.5 The relationship between ESF and Syracuse University is contractual, as well as collegial, in nature. Pursuant to the Agreement between the institutions, ESF students are subject to the jurisdiction of both the ESF Judicial System and the Syracuse University Judicial System. The jurisdiction of the ESF Judicial System arises from the enrollment agreement between ESF and its students. The jurisdiction of the Syracuse University Judicial System arises from the Agreement between ESF and Syracuse University. This Agreement states in relevant part that: "...Syracuse University may, for disciplinary, medical, or other similar reason, decrease, terminate, suspend, or prevent access to such services [provided by the Agreement] to any student of...[ESF]...on the same basis and pursuant to the same procedures as Syracuse may do with respect to any student of its own."
- 4.6 The academic progress of students is of paramount concern to ESF and Syracuse University, even where disciplinary charges are pending. Nonetheless, both institutions recognize that their responsibilities for educating and protecting students and their respective communities include the potential for students to be separated from their educational pursuits under appropriate circumstances.
- 4.7 While ESF students are subject both to the ESF Judicial System and to the Syracuse University Judicial System, in most cases disciplinary consequences should not be imposed by each institution but rather through a coordinated process between institutions. Only where the institutions are unable to reach consensus on sanctions or other actions, despite appropriate consultation, will each institution determine its sanction independent of the other.
- 4.7.1 **Incidents arising on ESF Property:** ESF Code of Student Conduct violations occurring on ESF owned, operated, or controlled property will be adjudicated by the ESF Judicial System. Incidents involving SU students will be adjudicated by the SU Judicial System in consultation with the ESF Coordinator of Judicial Affairs (or designee).
- 4.7.2 **Incidents arising on SU Property:** Syracuse University Code of Student Conduct violations occurring on SU owned, operated, or controlled property will be adjudicated by the Syracuse University Judicial System in consultation with the ESF Coordinator of Judicial Affairs (or designee).
- 4.7.3 **Incidents occurring on property other than that owned by ESF or SU:** ESF Code of Student Conduct violations occurring on property other than that owned, operated, or controlled by ESF or SU, will be adjudicated by the ESF Judicial System.

Jurisdiction in Matters Involving Proscribed Discrimination

- 4.8 Because of specific state and federal regulations pertaining to discrimination and/or harassment for reasons of race, color, religion, national origin, marital status, sex, sexual orientation, age, handicap or veteran status, it may be necessary to refer any violations of the Code of Student Conduct in these areas (Section II, subpart 2, "Non-discrimination"; and Section III, subpart 3, "Harassment") to the College Affirmative Action Officer for investigation and recommendations.

5. Overview of The ESF Judicial Process

In Cases of Academic Dishonesty

- Instructor suspects violation and notifies student of suspicion
- Instructor contacts Associate Coordinator of Judicial Affairs (or designee) to determine whether the student has previously violated the academic dishonesty policy.
- If a first offense, Instructor responds by contacting and communicating with the student to determine responsibility.
 - If determined “not responsible” then no violation and current case file is destroyed.
 - If determined “responsible” Instructor offers a course-related resolution (sanction), up to and including course failure. The instructor may require additional or alternative work in substitution for rejected work, but has no obligation to do so.
 - If the student accepts the resolution offered, the instructor will send a memorandum describing the circumstances and disposition of the matter to the student within six business days of its disposition. The instructor will also send a copy of the memorandum to the Coordinator of Judicial Affairs (or designee)
 - If the student does not accept the resolution offered by the instructor, the instructor documents the offense in writing to the student and refers to the Coordinator of Judicial Affairs (or designee).
 - The Coordinator of Judicial Affairs (or designee) contacts student and offers option of written statement or appearance in front of Committee on Academic Honesty.
 - Coordinator of Judicial Affairs (or designee) refers case to Committee on Academic Honesty (made up of administrators, faculty and students)
 - Documented instructor charges are forwarded to committee
 - Written statement from student and/or notification of student appearance
 - Committee on Academic Honesty reviews the case to determine whether a violation occurred and levies appropriate sanction(s)
 - Coordinator of Judicial Affairs (or designee) communicates results to student
 - If determined “not responsible” then no violation and current case file is destroyed
 - If student accepts the resolution case is closed
 - If student does not accept resolution, appeal process is enacted
- In cases of repeat violations, the instructor refers the matter to the Coordinator of Judicial Affairs (or designee) for adjudication.
 - The instructor documents offense in writing to the student and refers to the Coordinator of Judicial Affairs (or designee)
 - The Coordinator of Judicial Affairs (or designee) contacts student and offers option of written statement or appearance in front of Committee on Academic Honesty.
 - The Coordinator of Judicial Affairs (or designee) refers case to Committee on Academic Honesty (made up of administrators, faculty and students)
 - Documented instructor charges are forwarded to committee
 - Written statement from student and/or notification of student appearance
 - Committee on Academic Honesty reviews the case to determine whether a violation occurred and levies appropriate sanction(s)
 - Coordinator of Judicial Affairs (or designee) communicates results to student
 - If determined “not responsible” then no violation and current case file is destroyed
 - If student accepts the resolution, case is closed
 - If student does not accept resolution, appeal process is enacted

In Cases Involving Personal/Social Misconduct

- A complaint is received by the Coordinator of Judicial Affairs (or designee) (may take the form of an incident report, personal statement, police report, etc.).
- If the Coordinator of Judicial Affairs (or designee) deems that the alleged infraction is a matter of *personal or social misconduct*, the accused student or recognized student organization will be invited to participate in a judicial hearing with the Coordinator of Judicial Affairs (or designee) to discuss the allegations and determine whether resolution can be reached. The student may waive this judicial hearing or may decline to answer questions during the discussion. Such action shall not be considered prejudicial at any later hearings.
- If the student fails to respond within three business days, the Coordinator of Judicial Affairs (or designee) makes a ruling based on the information available and informs the student in writing.
- If the student accepts responsibility for violating the ESF Code of Student Conduct, resolution is reached and the Coordinator of Judicial Affairs (or designee) levies the sanction. Once resolution is reached, the decision is final.
- If resolution cannot be reached, the student or student organization has the right for the case to be heard by the five-person College Judicial Board that makes a decision and, if appropriate, levies appropriate sanctions. . Two members of the College Judicial Board shall be selected by the Provost from the faculty or staff; two will be members of the executive committee of the appellant student’s representative student association (i.e., either the Undergraduate Student Association (USA) or the Graduate Student Association (GSA)) selected by the student President of that association. The fifth member will be selected from the faculty or staff by the Provost and the President of the appellant’s representative student association (USA or GSA). All shall serve for such terms as the Provost deems advisable. The Provost shall designate the Committee Chair from its membership. Decisions of the College Judicial Board are final.
- If the student is dissatisfied with the decision of the Committee for Academic Honesty, the Coordinator of Judicial Affairs (or designee), or the College Judicial Board he/she may appeal the action. Refer to Section 11(“Appeal Process”) of this handbook for details on appealing a case.

6. The Judicial Process: Policies and Procedures

- 6.1 All matters pertaining to the College of Environmental Science and Forestry Code of Student Conduct are under the purview of the Office of the Provost and are administered by the Coordinator of Judicial Affairs (or designee).
- 6.2 **A student charged with a violation of the Code of Student Conduct has the right to:**
- 6.2.1 Receive notification of the nature of the charges and to be informed of one's rights prior to any hearing or action.
 - 6.2.2 Access to a judicial advisor who will educate them on the judicial process and procedures. Students can obtain a list of judicial advisors from the Judicial Coordinator.
 - 6.2.3 Continue attendance in a course until the hearing process is completed unless the Coordinator of Judicial Affairs (or designee) determines that an interim suspension is appropriate (See Section 8).
 - 6.2.4 Question witnesses and the person(s) making the charge.
 - 6.2.5 Produce witnesses and documentary evidence in one's own behalf.
 - 6.2.6 Appeal the case, as described in this handbook, if a sanction has been imposed.
- 6.3 All notices to students shall be in writing and shall be served via email, in person or by certified mail to the student's official local address.
- 6.4 A student who withdraws from ESF shall not be exempt from the proceedings described herein. The enforcement process (see below) shall be followed with the accused student receiving due notice of hearings. Any resulting sanction of suspension or dismissal will replace the "withdrawal" status on the transcript. Lesser sanctions shall be kept on file in the permanent academic record for reference if the student applies for re-admission. A student who withdraws under these circumstances is not permitted to enter onto SUNY-ESF owned, operated, or controlled property nor to participate in any class or program offered by SUNY-ESF until the pending matter is resolved.
- 6.5 A student who is charged with a violation of the Code of Student Conduct just prior to the termination of a semester, when there is not sufficient time to hold a hearing before the semester ends, shall be given a hearing as soon after the semester ends as is feasible. Said student who leaves the Syracuse area is responsible for transportation and other expenses related to the student's right to be present at the hearing as scheduled.
- 6.6 Failure to appear in response to the charge(s) on the date fixed for hearing, unless there is a continuance for good cause approved by the Coordinator of Judicial Affairs (or designee) prior to the hearing, shall result in a decision or recommendation being rendered based on the evidence presented. The hearing shall be held and a determination of sanction shall be made.
- 6.7 The standard of proof applied within the College Judicial System is a preponderance of the evidence, which requires a demonstration that it is "more likely than not" that the accused student or recognized student organization has violated the Code of Student Conduct.
- 6.8 It is the responsibility of each party to investigate, prepare, and present his or her case. This responsibility includes identifying and presenting any witnesses or witness statements. The College Judicial System is not authorized to compel the appearance of any witness at a College Judicial System proceeding. Similarly, neither parties nor their representatives are authorized to compel or attempt to compel the appearance of any person at a College Judicial System proceeding.
- 6.9 Complainants are permitted to withdraw their complaints subsequent to filing if the Coordinator of Judicial Affairs (or designee) is satisfied that the complainant's decision has not been influenced by pressure or intimidation. In the event that the complainant is determined to have been influenced by pressure or intimidation, or in other extenuating circumstances, or where the College's interests would be served by continuation of the case, the Coordinator of Judicial Affairs (or designee) would act as complainant and continue the case.

- 6.10 All hearings are closed; i.e., limited to hearing officer(s), complainants, accused student and adviser, and witnesses, the Provost, and a recorder. No press, general public or campus members shall be admitted.
- 6.11 An administrative or judicial hearing shall not be bound by technical rules of evidence, but may hear and receive any testimony or evidence which is relevant to the issues presented by the charge(s) and which will contribute to a full and fair disposition of the charge(s). All members of administrative or judicial hearing committees must be present during hearings and disposition of charges.
- 6.12 Recording devices shall not be permitted in judicial hearings.
- 6.13 Any decisions which result from a judicial hearing shall be sent to the student in writing (via e-mail or letter) within six days, and a copy of the decision letter shall be kept in a confidential file in the office of the Coordinator of Judicial Affairs (or designee) for a time period stipulated in the decision letter. The file may be used as a disciplinary record in any future proceedings involving the student.
- 6.14 ESF shall release information pertaining to individual cases in strict accordance with the Family Educational Rights and Privacy Act of 1974.

Modification of Procedures: SUNY-ESF reserves the right to modify its judicial procedures and appeals processes with written notice to the complainant and the accused student when classes are not in session, during the summer session, when safety and security issues so demand, when special expertise is needed to ensure fairness, or in other circumstances where in the College's sole discretion the procedures described herein are deemed insufficient to meet the objectives of educating and protecting members of the College community. Modified procedures, nonetheless, will provide students with required elements of fundamental fairness.

The term "business days" used in this Code with reference to scheduling and notification means days on which the administrative offices of ESF are officially open for business.

7. The Judicial Process: Enforcement

- 7.1 Allegations against any student for any infraction of the Code of Student Conduct may be made in writing by any ESF or SU faculty member, staff member, or fellow student; SU Public Safety, ESF University Police, or city, state or federal police officers. Allegations must include a description of the facts and may include a non-binding recommendation as to an appropriate sanction.
- 7.2 Any student against whom there has been an allegation of infractions of the Code of Student Conduct will receive a written statement (via email or letter) of the specific charge(s) from a course instructor or the Coordinator of Judicial Affairs (or designee). The Coordinator of Judicial Affairs (or designee) must deliver the notice of charges within six business days of receipt of the initial allegation unless extenuating circumstances require extension of this time. In no case shall charges be delivered more than 30 business days after receipt of initial allegation.
- 7.3 The student shall be afforded a full opportunity for explanation, contradiction, or defense of said charges in a judicial hearing. The student may waive this judicial hearing or may decline to answer questions during the discussion. Such action shall not be considered prejudicial at any later hearings. The student must attend such a judicial hearing—or waive it in writing—within three business days of the time the notice of charges was sent.
- 7.4 At the conclusion of the judicial hearing or within six business days after the statement of charges was sent, the instructor or the Coordinator of Judicial Affairs (or designee) shall decide whether or not an infraction has occurred.

The College may suspend temporarily a student who presents a threat to the community or to an individual. If it is decided that no infraction has occurred, all charges against the student are dropped and all associated written documentation is destroyed.

8. Interim Suspension and Other Administrative Actions

- 8.1 The status of an accused student will not be changed while a case is pending against him or her, unless the Coordinator of Judicial Affairs (or designee) determines that an interim suspension is required to promote the safety and well-being of the University community. The College may suspend temporarily a student who presents a threat to the community or to an individual. If it is decided that no infraction has occurred, all charges against the student are dropped and all associated written documentation is destroyed.
- 8.2 A student who is suspended on an interim basis pending the outcome of proceedings against him or her will be given the opportunity to be heard by the College Appeals Committee on the merits of the decision to impose the interim suspension within six business days of receipt by the Provost of the student's written request for such a hearing. *If no such request is made, the interim suspension will remain in effect pending a hearing on the merits of the judicial case.*
- 8.3 Where an interim suspension is imposed in a case involving the arrest of the accused student, the College may proceed with its judicial process prior to civil or criminal proceedings or it may require the associated civil/criminal matter to be resolved in full prior to the pending judicial case being heard on its merits.

9. Sanctions

- 9.1 For academic dishonesty offenses the penalties are:
 - 9.1.1 Assigning a grade of "0" for the test or assignment in which the offense occurred.
 - 9.1.2 Assigning a grade of "F" for the entire course in which the offense occurred.
- 9.2 For Code of Student Conduct violations; both academic dishonesty and personal/social misconduct, the penalties are:
 - 9.2.1 **Warning:** In instances of less serious deviations from the College norms of conduct, the student(s) may be formally warned of the possible consequences of continuing such behavior. Additional conditions may be imposed such as community service or a reflection/research paper.
 - 9.2.2 **Social Probation:** This status is applied as a result of a breach of specific social regulations. It is a formal admonition on behalf of the College community and is intended to clearly document in a student's or student organization's disciplinary file that his/her/its behavior has been deemed unacceptable. Its primary effect is to suspend a privilege related to the nature of the offense and/or restrict access to specific campus facilities or programs. Additional conditions may be imposed such as community service or a reflection/research paper.
 - 9.2.3 **Disciplinary Probation:** This action constitutes a change in status between good standing and suspension or expulsion from the College. 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 may be imposed such as community service or a reflection/research paper. Further violations may result in suspension or dismissal from the College.
 - 9.2.4 **Interim Suspension:** This action is a temporary suspension of all rights or privileges associated with student status while a judicial case is pending. The Coordinator of Judicial Affairs (or designee) may modify the terms of the interim suspension based on the facts of the case.
 - 9.2.5 **Suspension:** This action results in the involuntary withdrawal from the College, or in loss of recognition for a student organization, for a specific amount of time or until specific conditions have been met. A suspended student or student organization is prohibited from any presence or activity on College-owned, -operated, or -controlled property and from participation in any class or program offered by the College.
 - 9.2.6 **Dismissal:** This action results in the termination of a student's or student organization's status at ESF and the student or organization is permanently separated from the College. Any student receiving Suspension or Dismissal shall be liable for all tuition and fees due for the term during which the student was separated from the campus.
 - 9.2.7 **Violations of the ESF Alcohol and Other Drugs Policy:** See Appendix B of this Judicial Handbook for complete policy and standard sanctioning guidelines.

10. Disciplinary Records

- 10.1 Disciplinary files are retained by the Coordinator of Judicial Affairs. Access to disciplinary records will not be provided except in accordance with the provisions of the Family Educational Rights and Privacy Act of 1974 as amended.
- 10.2 Letters of Warning and Probation and incident files are retained until one year after a student graduates or until two years after the date of last registration. No notation is made in the student's permanent academic record or on the transcript.
- 10.3 A permanent transcript notation will be made of a student suspended or dismissed in the case of hazing or other serious violations of the Code of Student Conduct, especially conduct which leads to the death or serious physical injury of another person. Further, students found responsible for such violations shall not receive credit for the semester in which the suspension or dismissal occurred, and will be liable for all tuition and fees for that semester.
- 10.4 Letters of Suspension or Dismissal are retained in the permanent academic record and in the Office of Coordinator of Judicial Affairs for an indefinite period of time depending on the circumstances.

11. The Appeals Process

- 11.1 Decisions of the Coordinator of Judicial Affairs (or designee), the College Judicial Board or the Academic Honesty Committee are effective immediately, unless a written notice of intention to appeal has been received by the Provost within three business days of a student's final judicial hearing with the Coordinator of Judicial Affairs (or designee), College Judicial Board or Academic Honesty Committee.
- 11.2 A student dissatisfied with the said determination and/or sanction levied by the Committee on Academic Dishonesty, Coordinator of Judicial Affairs (or designee) or the College Judicial Board may appeal by filing a written statement with the Provost within three business days of receipt of the sanction, reading as follows: I, [name of student], feeling dissatisfied with the determination made and/or the sanction levied against me under the date of ____ hereby appeal to the Appeals Committee of the College of Environmental Science and Forestry and request a hearing before said committee. The reasons for this appeal are as follows:

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

- 11.2.1 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;
- 11.2.2 Procedural error that can be shown to have had a detrimental impact on the outcome of the hearing;
- 11.2.3 Errors in the interpretation of University policy so substantial as to deny either party a fair hearing;
- 11.2.4 Grossly inappropriate sanction having no reasonable relationship to the charges.

NOTE: The written appeal must detail the reason for the appeal. For example, if the student appeals based on procedural error that can be shown to have had a detrimental impact on the outcome of the hearing, the written appeal should outline the procedural error on which the appeal is based.

- 11.3 Upon receipt of the appeal, the Provost shall convene a five-person Appeals Committee. Two members shall be selected by the Provost from the faculty or staff; two will be members of the executive committee of the appellant student's representative student association (i.e., either the Undergraduate Student Association (USA) or the Graduate Student Association (GSA)) selected by the student President of that association. The fifth member will be selected from the faculty or staff by the Provost and the President of the appellant's representative student association (USA or GSA). All shall serve for such terms as the Provost deems advisable. The Provost shall designate the Committee Chair from its membership.
- 11.4 The Appeals Committee will determine whether the grounds for appeal have been satisfied and whether further process is necessary to resolve the appeal.
- 11.5 The Chair of the Appeals Committee shall convene the committee at a time and place on the College campus, giving written notice of said hearing to the charged student. The first meeting of the Appeals Committee shall be convened no later than six business days after the Provost's receipt of the appeal. *Note: Upon the appellant's request, the Appeals Committee may proceed without the student present for a hearing. In this case, all decisions would be made based on written materials provided by the appellant and the Coordinator of Judicial Affairs (or designee).* The Coordinator of Judicial Affairs shall be present at the request of the Appeals Committee.
- 11.6 At the hearing, the student shall have the right to confront and cross-examine witnesses; present proofs; and make denials and explanations, all in defense of the grounds for their appeal. Legal rules of evidence shall not apply nor shall witnesses be sworn. The Appeals Committee shall allow every reasonable latitude to the student in the presentation of the case. A student may bring an adviser or legal counsel to an appeal hearing. Such adviser may assist the student but may not participate directly in the proceedings.
- 11.7 The Appeals Committee shall render a written recommendation (which need not be unanimous) outlining the factual basis for such recommendation, together with its opinion of the sanction, to the Provost. If the recommendation is not unanimous, a written minority opinion may become part of the record. The recommendation must be rendered within 15 business days of the Provost's receipt of the appeal.
- 11.8 The Provost may amend or revise the recommendation of the Appeals Committee. The Provost shall render a final decision within three business days of receipt of the Appeals Committee's report. The student shall be informed by the Provost of the final decision.

12. The Appeals Hearing Procedure

- 12.1 Committee Chair Welcomes
 - Introduce chair and committee
 - Ask appellant and judicial officer to introduce self and advisor.
- 12.2 Committee Chair reads instructions for appeal proceeding.
- 12.3 Committee Chair reads the appeal request.
- 12.4 Committee Chair invites appellant to amend any portion of the appeal request.
- 12.5 Committee Chair instructs appellant to make statement of appeal.
- 12.6 Committee Chair instructs judicial officer to respond.
- 12.7 Committee Chair asks appellant if he/she would like to make any additional comments.
- 12.8 Committee Chair asks judicial officer if he/she would like to make any additional comments.
- 12.9 Committee Chair dismisses appellant and judicial officer.
- 12.10 Committee deliberates and makes a decision.
- 12.11 Committee Chair writes the decision and submits it to the Provost.

NOTE: Appeals committee members may ask clarifying questions at any point during the proceedings.

13. Parent/Guardian Notification

Except in unusual circumstances, parents or guardians will be informed, to the extent reasonably practicable and permissible by the Family Educational Rights and Privacy Act (FERPA)—only in cases involving students under the age of 21—of judicial issues involving students as follows:

Emergency: In the case of incarceration or hospitalization, parents or guardians will be notified.

Alcohol/Drugs: Parents and guardians will be notified of alcohol and drug policy violations

Status Change: For students who are dependent on parents or guardians, notification will be given in situations in which the student's status at the institution may be impacted (loss of housing, suspension, dismissal).

****To ensure consistency and continued collaboration, the College of Environmental Science and Forestry's Code of Student Conduct reflects selected provisions of the judicial code of Syracuse University.**

14. Appendix A: Academic Dishonesty Definitions

Academic dishonesty is a serious breach of the trust that exists among a student, one's fellow students, and the instructor. Academic dishonesty is a major violation of ESF policy and can result in sanctions ranging from failure of a specific assignment to suspension or dismissal from ESF. Examples of academic dishonesty include, but are not limited to, actions defined below.

- a) Plagiarism: presenting as one's own—or failing to attribute or give credit for—the words, ideas, data or products of another. When the works of another author are cited, it is standard procedure in the academic establishment to attribute or give full acknowledgment by means of proper documentation, including footnotes, endnotes, or bibliographic documentation. Plagiarism also applies to references and materials used from the internet.
- b) Fabricating facts, statistics, or other forms of evidence in papers, laboratory experiments, or other assignments.
- c) Writing, or attempting to write, an examination paper, computer work, or other material for another student; allowing someone else to take one's examination.
- d) Possessing examinations or test materials without permission of the instructor.
- e) Using "cheat sheets" or notes or books; looking at another's paper; or talking to someone other than the instructor or proctor during an examination, without the instructor's permission.
- f) Failing to follow the rules of conduct for taking an examination as stipulated by the instructor prior to the examination or as stated by the instructor in a written course syllabus.
- g) Presenting work for credit for which credit has been received or will be received in another course. If a student feels the presentation of such work is justifiable, the student shall seek permission from the receiving instructor.

15. Appendix B: ESF Policies and Procedures

There are many College policies to which students are held accountable that are not specifically outlined in this judicial handbook. Such policies are outlined in the College Catalog, Student Handbook and other sources. The ESF Student Handbook delineates the following policies and can be referenced via the web at <http://www.esf.edu/students/handbook/policies.htm>. You may also obtain a copy of the ESF Student Handbook in 110 Bray Hall.

- Academic Grievance Procedure
- Alcohol and Other Drug Policy
- Audit Form
- Bulletin Boards
- Dogs (and other pets) on campus
- Email and Computing Policies
- Harassment
- New York State Residency
- Parking at ESF
- Parking in Syracuse University Parking Lots
- Release of Information
- Recycling at ESF
- ESF College Smoking Policy
- Sexual Harassment Policy
- Student Lockers
- U.S. Mail
- Veteran's Benefits
- Weapons