

# Buffalo State Residence Life License Terms and Conditions

## I. Residence Hall Program: Philosophy and Goals

The Residence Life Office mission is to support, complement, and enhance the academic mission of the college through the provision of a dynamic residential life program, including opportunities that encourage individual growth and development for a diverse resident student population, facilities which are secure and well maintained, and management services that ensure the orderly and effective administration of all aspects of the program. The Residence Life Office utilizes operational standards developed by the Council for the Advancement of Student Affairs and the Association of College and University Housing Officers-International. The American College Personnel Association standards for ethical conduct serve to guide the work of each staff member within the Residence Life Office.

## II. Terms and Conditions of Residence Hall Living

A. Students must be registered in a Buffalo State-affiliated educational program to be eligible for campus housing. The Director of Residence Life may assign other occupants to any vacancies that may exist after all student requests have been satisfied, excluding "Family College."

B. **Residence hall occupancy is for the entire academic year; residence halls must be vacated at the end of spring semester.** Room rental charges are billed on a semester basis. Residents leaving the halls during the term of residency covered by the license without approval, who are still enrolled, continue to be liable for room and board charges which accrue against their account.

C. All undergraduate resident students with less than 60 academic credits must purchase a meal plan each semester (excluding those who live in the Moore Complex Apartments and Student Apartment Complex). All resident students must also have a health history, physical examination, and complete immunization record on file at the Weigel Health Center.

D. Full payment or deferment for room and meal plan fees must be received in advance of occupancy (see section VI, Financial Responsibilities). Note: Students will have a hold placed on their records if any outstanding financial obligations to the college are not met.

E. **To receive first preference for on-campus housing, requests must be received by June 1. Applications will be accepted after June 1 on a space-available basis. The college reserves the right to give priority to housing those students who live more than 35 miles from the campus, if space is limited.**

F. Residents agree to become aware of and observe all published rules affecting his/her status with the college. Specifically included are those published in the Buffalo State College Student Handbook; the Code of Rights, Freedoms, and Responsibilities of Students; and Community Connections.

## III. Responsibilities

A. Students are responsible for:

1. The care and cleaning of assigned rooms and surrounding areas.
2. Maintaining health and safety standards.
3. Contracting for telephone service, if desired.

4. Providing a complete address to correspondents in order to expedite mail delivery.
5. Providing their own pillows, linens, bedspreads, blankets, mattress covers, and rugs.
6. Checking hall mailbox and campus e-mail account daily for correspondence from the college.
7. Abiding by all state and federal laws; college and residence hall policies.
8. Providing emergency contact information and missing person contact information.

B. Insurance:

1. Buffalo State shall not be liable either directly or indirectly for any loss or damage caused by insufficient heat, irregular electrical current, flooding, fire, or theft to any article of property belonging to residence hall occupants wherever situated. Therefore, students are strongly advised to carry personal property insurance.

#### **IV. Assignment/Reassignment to Residence Halls**

- A. Requests for hall or room assignments/reassignments based on race, religion, sexual orientation, or ethnic background will not be honored.
- B. Room assignments are confirmed upon receipt of application materials and full payment for all applicable room and dining program charges.
- C. Whenever possible, students will be notified of specific hall assignments in advance of campus arrival.
- D. Room changes within or between halls are allowed only during designated room change periods. Once approval for a room change has been granted, students must move by the stated date.
- E. Buffalo State reserves the right to:
  1. a. The Director of Residence Life has the ability to reassign or terminate a residents housing based on, but not limited to, Residence Life Policies and Procedures of the most recent edition of the Student Handbook.  
b. Assign and reassign rooms at the sole discretion of the Director of Residence Life and to terminate such assignment.
  2. Terminate a resident student's eligibility for residence hall living when mandated by the college judicial system.
  3. Conduct health and safety inspections of student rooms and living areas.
  4. Enter a room when there is reasonable cause to believe that health, welfare, or security is endangered.
  5. Contact parents or guardians in case of an emergency or serious incident.
  6. Assign a resident to over-occupancy housing (on-campus) or off-site (off-campus) housing, as determined by space availability.

#### **V. Vacation Periods**

- A. Although residence hall occupancy is for the academic year, it shall be expressly understood that break periods (Thanksgiving, winter, spring) are not included, with some exceptions (see below\*). The Residence Life Office is not responsible for housing students during break periods; students must vacate halls at the commencement of breaks according to the published Residence Life Office schedule. The college reserves the right to change break periods. *\*Moore Complex and Student Apartment Complex residents:* Students in these halls can opt to remain on campus during break periods if they register with the Residence Life Office prior to each break. In addition, Family College residents are permitted to maintain 12-month

occupancy. Additional room charges may apply for residents wishing to remain on campus during break periods, if approved.

## **VI. Financial Responsibilities (see also II.B, VII.A)**

Room rental is for the full academic year with payment on a semester basis.

### **A. Fees.**

All room fees are payable on a semester basis. First year students may be housed three students to a room as needed. Students occupying a three person room are compensated for their stay within a three person room. The compensation period ends once an offer of a double occupancy assignment has been made. Requests for single rooms due to medical reasons are contingent upon availability and the approval of the Director of Residence Life, the Student Accessibility Services Office, and substantiating documentation. The college reserves the right to maintain rooms at their designed occupancy or increase occupancy if needed.

### **B. Payment of Fees**

1. Fall semester reservations made before June 1: A room deposit is required of all students who register for a room before June 1. The balance of room and meal plan charges must be paid by the date stated on the college bill, or the room reservation will be canceled. The deposit is applied to room charges only. Note: Returned checks may result in a returned check fee and/or cancellation of reservations.
2. Fall semester reservations made after June 1 and all spring semester reservations: Advance deposit is not accepted for these time periods. Full payment of room and meal plan charges must be received before a housing assignment can be made. Returned checks and canceled credit card transactions may result in a returned check fee and/or cancellation of reservations.

### **C. Withdrawal and Refund Policies**

1. New Students: Students who decide to withdraw from the college must terminate their residence hall license by notifying the Director of Residence Life in writing. Failure to terminate occupancy in the prescribed manner may result in additional room rental charges (see section VII.A). After arranging withdrawal from the college, the resident must follow the procedures listed in section VI.D. Residents who withdraw from the college must vacate the residence hall and remove all personal belongings from the premises no later than desk hours of the date on which the withdrawal becomes effective. Students may be charged related housing charges if they withdraw after hall opening and based on the College's Tuition Refund Policy. Students are eligible for a refund of the housing deposit if they separate (leave, withdraw, exchange, dismissal, graduation, etc.) from the college cancel prior to hall opening.
2. Returning Students: Students who have reserved a room for the following academic year are held liable to the Room Cancellation Schedule listed below.
  - a. Cancellation up to and including May 31<sup>st</sup>; the housing deposit is refunded.
  - b. Cancellation from June 1<sup>st</sup> to July 31<sup>st</sup>; the student is charged a \$200 termination fee and forfeits the room deposit.

- c. Cancellation from August 1<sup>st</sup> to hall opening; the student is charged a \$300 termination fee and forfeits the room deposit.
- d. Cancellation after hall opening; no cancellation of housing assignments unless the student is separated from the college (leave, withdraw, exchange, dismissal, graduation, etc.).

#### **D. Check-out Procedure (Mid-year)**

1. To check out of campus housing students must first provide proper documentation from the college of their separation from the college (leave, withdraw, exchange, dismissal, graduation, etc.) and then notify the Residence Life Office (see section VII.A).

Proceed as follows to properly terminate residence hall occupancy:

- a. Notify the Residence Life Office.
- b. Receive authorization for hall staff to check you out of the hall.
- c. Complete room inventory and return all key fobs, keys, and/or cardkeys to hall staff.
- d. Remove all personal belongings and clean room/suite/apartment.
- e. Complete a change of address listing.
- f. Failure to follow these procedures may result in improper check-out fees, damage charges, and lock change charges.

#### **E. Room Inspections**

Room inspections are conducted before occupancy, during college breaks, at termination of occupancy, and during the academic year. Damage beyond normal wear and tear that occurs to the room, suite, furnishings, or bath area between inspections shall be the financial responsibility of the occupants. Charges for damage in public areas shall be the responsibility of the student or students involved. All appeals concerning damage bills must be received by the Director of Residence Life in writing within 30 days of invoice date. Payment for damages must be made by the student to the Student Accounts Office. A hold will be placed on the student's records until payment for damages is received. Delinquent accounts will be forwarded to the State Attorney General's Office for collection.

#### **VII. License Termination Policies**

- A. Permission to terminate this license is requested by submitting a Request to Terminate Residence Hall License. This request, if granted, is typically obtained at such time when the documented reason for the request is December graduation, withdrawal from college, study abroad, or a similar situation. The Director of Residence Life may at his or her discretion approve or disapprove a properly completed Request to Terminate Residence Hall License. A termination fee, plus any related housing charges, may be assessed to any student requesting and receiving approval for termination for reasons other than graduation, transfer, withdrawal or exchange program. A resident's failure to obtain approval in advance of moving out may result in the request being denied, and a full room charge liability will be incurred. Requests other than graduation, withdraw, study abroad, or transfer are not normally approved.

## **VIII. Additional Policies**

Students shall not assign or sublet this License to any part or all of the Premises. Subletting includes short-term or temporary rental arrangements including, but not limited to, those offered through peer-to-peer accommodation services such as Airbnb, Craigslist, or Couchsurfing. Assigning or subletting may result in discipline and/or license revocation without compensation.

**NOTE:** Throughout this license, “Director of Residence Life” refers to the director or his/her designee. Information in this document is subject to change as determined by the Residence Life Offices. It is understood that by signing the License Terms and Conditions you agree to abide by the regulations and policies set forth in these terms and conditions and to meet all financial responsibilities relating to room and meal plan charges.

# **RESIDENCE LIFE POLICIES AND PROCEDURES**

## **RESIDENCE LIFE POLICIES AND SERVICES**

The following is a compendium of the policies and procedures governing residential life at Buffalo State. The college reserves the right to change the policies affecting residential students and visitors to the residence halls. Additional policies and procedures will be posted in the residence halls as they are enacted. Each residential student and visitor to the residence halls are expected to have knowledge of, and abide by, the information contained in the student handbook, the Residence Life Office Community Connections newsletter, and policy/procedure postings found in the residence halls.

### **Who’s who in Residence Life?**

Among the people you should get to know during your stay on campus and at our off-site location is your Complex Director (CD) or Residence Hall Director (RD), your Resident Assistant (RA) (Towers 1-4, North Wing, Cassety, and Off-Site), First Year Mentor (FYMs) (Neumann, Perry and Porter) or your Apartment Assistant (AAs) (Moore Complex and Student Apartment Complex).

The Complex Director is a full-time professional staff member with a master’s degree. The Residence Hall (Resident) Director is a full-time graduate student pursuing a master’s degree at SUNY Buffalo State. RD’s are supervised by a Complex Director in their daily operation of the residence halls. Both the CD and the RD oversee the daily operation of the hall, assist with personal problems (like academic concerns, roommate conflicts, and adjusting to college), supervise the hall staff, conduct judicial meetings/hearings, and coordinate special events and programs for the hall. CDs and RDs hold scheduled office hours during the week and are available in the hall after hours as needed.

Paraprofessionals (AAs, FYMs, and RAs) are full-time undergraduate students who live in the hall to assist you! Their main goal is to develop a positive community atmosphere within the residence halls. They can provide you with information about campus life, assist you in becoming involved in hall activities, and provide some guidance for any academic or personal concerns. The Residence Life Office is located in Porter Hall and can be contacted via phone at (716) 878-3000 or via e-mail at

reslife@buffalostate.edu. Residence Life central office staff includes the Director of Residence Life, the Associate Director of Residence Life, the Assistant Director of Residence Life, and the RESNET Technology Coordinator. There are also clerical, maintenance and custodial support staff to assist you. If you have a concern about life on campus, you should contact the following staff for assistance:

1. Your Paraprofessional
2. Your Complex Director or Resident Director
3. The Residence Life Office

Please contact staff in this order; this will help you get your problem solved more quickly!

The Residence Life Office directs all programs and selected operations of residence hall living including staffing, housing assignments, student governance & leadership, and maintenance & custodial services. Faculty, staff, and students join with Residence Life staff in developing programs to promote self-awareness and an appreciation for the diversity among people and perspectives within the college and community.

## **General Housing Information**

### **Buffalo State On-Campus Housing Residency Requirement**

All full-time freshmen and sophomore students whose permanent residency is beyond a 35 mile radius of Buffalo State are required to reside on campus FOR 4 CONSECUTIVE SEMESTERS OR UNTIL YOU EARN 60 CREDITS, whichever comes first. Those exempt from this requirement include married students, single parents, transfer students, veterans, and students over the age of 21, students residing with relatives (i.e. aunts, uncles, brothers, sisters, etc.). Documentation may be needed to achieve exemption status under any of these circumstances.

Students who feel that they have legitimate reasons for requesting off-campus residency can apply for an exemption through the Residence Life Office located in Porter Hall.

### **Making Yourself at Home**

Each residence hall room is furnished with beds, mattresses (twin, extra-long, 33 1/2x80), desks, chairs, dressers, a mirror, and a floor lamp. You may rearrange this furniture any way that you and your roommate like, but you must keep all of it in the room, and maintain egress out of the room (i.e. furniture cannot block your room doors)

To personalize your room and help make it feel like a home, you may bring plants, area rugs, posters and prints, comforters and pillows, personal electronic devices, and whatever other comforts you can think of which meet Residence Life and Environmental Health and Safety Office standards (see section 1.35. C.1-14 for specific information on residence hall prohibitions). Students are encouraged to use UL listed surge protectors. Extension cords and multi-plug adaptors are prohibited. Prohibited items may be confiscated during Health and Safety and Fire Marshall Inspections.

Kitchenettes with microwaves are provided within each most residence halls. Microwaves are provided in some lounges in the traditional residence halls (Cassety, Porter Hall, Neumann Hall, and Perry Hall). Students residing in the apartment and suite style residence halls (Moore Complex, Student Apartment

Complex, Towers 1-4 and North Wing) may keep **ONE** microwave in the kitchen or suite area only. Microwaves and many other appliances (hot plates, George Forman grills, etc.) are prohibited within any residence hall room due to their danger to the health and safety of our students.

Microfridges are allowed and are a specially designed product that is a combination microwave/freezer/refrigerator that minimizes safety concerns during its use. Microfridges are permitted in all residence halls. Microfridge ordering information can be obtained by contacting the Residence Life Office at (716) 878-3000 or by visiting our website.

For more details on decorating your room and what items you may have on campus, please see the Residence Life policies on painting and prohibited items in the Policies and Procedures section of this handbook.

## **Getting Involved**

Living in a residence hall means never having to say you don't know anybody. Much more than a roof over your head and a place to hang your hat, your hall provides an easy introduction into campus social life with ample opportunities for learning, service, and fun.

### **A. Floor/Hall Meetings**

At the beginning of each semester and periodically throughout the year, the Hall Staff will hold floor meetings to let you know about coming events and the latest information from the Residence Life Office. There is also a mandatory all-hall meeting at the beginning of each semester at which the staff explains Residence Life policies.

### **B. Hall/Complex Council**

This student-organized group plans and puts together the hall's social and educational programs with an emphasis on helping residents to get to know one another. The Councils are open to all residents.

### **C. Residence Hall Association**

This student governance organization plans and runs programs in the residence halls. In addition to planning events for residential students, members of the RHA serve on college-wide committees and are a student voice in campus planning. Their office is located in the basement of Neumann Hall and their phone number is 716-878-3457.

## **Storage and Discarded Items**

There is no resident storage on campus, other than in student rooms. The college assumes no responsibility for lost, stolen, or damaged personal belongings. You are encouraged to insure your belongings through your parent's homeowner's insurance or through a separate insurance policy. Items not picked up at the end of the spring semester will be discarded. It is recommended that if you need summer storage you choose one of the local public storage facilities.

## Phone Service

To arrange telephone service\* while living on campus, call Verizon at 716-890-7100. It is your responsibility to let friends and family know your new phone number. Also, be sure you and your roommate/suitemate(s) agree on how the bills are going to be divided because neither the Residence Life Office nor the campus judicial system will become involved in such disputes. The Residence Life Office will, however, cooperate with University Police and the phone company in cases where misuse of service may lead to criminal action. \*Phone service is not available in the Student Apartment Complex.

## Cable TV

Each room contains a single cable television outlet. This service is provided at no additional cost to students. Premium and movie channels are also provided at no additional cost. Service is provided by a third party, but all maintenance requests and inquiries may be addressed to the Residence Life Office by filling out a maintenance request at the Residence Life website.

Students must provide their own cable cord to connect the wall outlet (25' is recommended) to their television. Students may elect to have two televisions in a room, but they must provide their own means of splitting the signal. Additionally, neither the Residence Life Office nor the cable provider makes any guarantees regarding quality of service if the signal has been split in this manner. **A current channel list and links to program schedules may be found at the Residence Life website.**

**RESNET SUNY** - Buffalo State and Apogee has partnered to provide internet service and support to our residents.

It's easy to sign up for an Apogee account:

Go to the My ResNet web site at <http://www.myresnet.com>

Click on the "Sign Up" button on the webpage and follow the on-screen instructions.

Upon completion of the sign up process, you will be assigned an Apogee username and password.

To make sure you're connected the day you arrive, we suggest that you sign up with Apogee prior to your arrival on campus.

If you have a problem connecting to the internet, please call Apogee at 1-877-392-5617. The Apogee Helpdesk is available 24x7.

Please go to the following link for more information.

<Http://www.buffalostate.edu/residencelife/x846.xml>

## Downloading

Students are permitted to download programs, software and other files on their computers, but they must be aware of federal copyright laws. Students are encouraged to visit the RIAA and MPAA websites ([www.riaa.org](http://www.riaa.org) and [www.mpaa.org](http://www.mpaa.org)) to obtain information on the prohibitions related to downloading/sharing music and movies. Illegal downloading/file sharing is strictly prohibited in the residence halls.



## **Protect Yourself from Legal Action over Downloading**

Do you use your personal computer to share music, movies, or software over the Web? Did you know that you may be violating federal copyright law?

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the Web site of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov), especially their FAQ's at [www.copyright.gov/help/faq](http://www.copyright.gov/help/faq).

Although there are legitimate uses for file-sharing and peer-to-peer technologies, please be aware that your Code of Student Rights, Freedoms, and Responsibilities and the ResNet/Apogee Terms of Service prohibit the use of the network for copyright infringement or software piracy. And when you register your machine on the ResNet/Apogee network, or connect to the campus wireless, you are responsible for the use of your computer and your connection. See [www.buffalostate.edu/residencelife/x463.xml](http://www.buffalostate.edu/residencelife/x463.xml) for complete guidelines regarding the use of the network in the residence halls.

If we receive a complaint identifying your computer as sharing copyrighted materials, you'll receive a notification from Apogee asking that you remove the offending materials and software. Repeat offenses may result in loss of campus network privileges. More information about file-sharing and copyright is available on the Computing and Technology Services Website at <http://www.buffalostate.edu/cts/x869.xml>.

The RIAA and MPAA Web sites have information about their current activities and some background on why they are working to prevent the theft of creative content. They can be found at [www.riaa.org](http://www.riaa.org) and [www.mpaa.org](http://www.mpaa.org).

But there's some good news - there are legal alternatives! A list of some legal sources of online content can be found at <http://www.educause.edu/legalcontent>.

Have a productive semester, and help us keep your name off the copyright offenders list!

## **Laundry Rooms and Vending Machines**

There are washers and dryers in each hall. Washers and dryers are free of charge. The washers and dryers are equipped with technology to send text messages to your mobile phone to alert you when your wash/dry cycle has finished. Visit the Residence Life homepage and click on "laundry alert," the password for all residents is "bsc9667". Each hall is also equipped with beverage and snack machines. Residents can use their "Bengal Bucks" on the vending machines.

## **The Paraprofessional Office**

Most paraprofessional offices are located on the first floor of your hall near the hall entrance. The Moore Complex paraprofessional office is located in the Moore Complex Lounge. Paraprofessionals normally sit desk in the front lobby area daily and are on call each night and on weekends. Look for posted signs in your hall for specific desk/duty hours and locations.

## **Student Parking**

Freshmen and Sophomore College students who reside in Buffalo State College residence halls are not permitted to register or park a vehicle on campus. Freshmen/Sophomores who reside off-campus may register a vehicle for on-campus parking.

Pre-college credits, advanced placement credits, CLEP credits, and the like are not relevant to this regulation.

Any credit awarded for coursework taken prior to high school graduation, or during the summer following graduation, does not change your student status.

Students entering their third year (i.e. fifth semester) at Buffalo State are eligible to register a vehicle on campus even if they have not completed enough credits to obtain junior standing. Students who begin in the spring semester of an academic year are permitted to register a vehicle on campus for the coming fall semester, as long as they meet the junior class standing requirements.

## **Exceptions to Parking Rules**

Exceptions to parking registration rules for resident freshmen/sophomores will be considered for the following reasons:

**Medical reasons:** Requires a letter from a licensed physician indicating a legitimate medical need. This letter should explain in detail the nature of the problem, the reason(s) for the student to have ready access to their own transportation and the time-frame being projected for this need.

**Employment:** Freshmen/Sophomores are strongly encouraged to find employment either on campus or in the local community. Appeals should include a signed, letter on company letterhead from employer stating days and hours of employment. Letter shall include employer's telephone number. A current payroll stub may also be required.

**Academic:** Requires a legitimate written justification from a faculty member stating the reason for exception;

A description of approved off-campus credit-bearing program must be included.

Other exceptional circumstances will be considered by the Parking Appeals Committee.

Requests for exceptions to this policy are to be submitted in writing by the student to: Director of Parking Services, Buffalo State College, 1300 Elmwood Avenue, Buffalo, NY 14222. Requests will be reviewed by the Parking Appeal Committee. Decisions of this board are final and not subject to further appeal.

All waivers to this policy will be issued for a specific period of time as determined by the committee. If a student that has been issued a waiver to this policy receives a violation to the campus parking policy, the waiver will be revoked.

### **Community Connections**

This is the Residence Life newsletter (produced periodically throughout the year) that keeps you up-to-date on programs, services, and opportunities for involvement on campus, as well as the latest housing information and policies.

### **Fire Alarms, Drills and Equipment**

According to the New York State Fire Code, a building must be completely evacuated during a fire alarm or drill. The Department of Environmental Health and Safety conducts four scheduled fire drills per academic year. Failure to evacuate during an alarm not only places you and others in mortal danger, but also may lead to college and criminal charges. To prepare for drills as well as a real fire, learn where the exits nearest to your room are and review evacuation procedures with your RA. When the alarm sounds:

- 1. Keep calm.**
- 2. Close and lock your door on your way out.**
- 3. Take your coat, shoes, and wallet, and carry a towel. Use the towel to cover your nose and mouth if you have to pass through a smoke-filled area.**
- 4. Take the stairway closest to the exit. Do not use the elevators.**
- 5. Go to the designated assembly area and stay there until fire or University Police officials say you can go back in.**

For everyone's protection, the halls have a complete system of alarms, extinguishers; pull stations, heat and smoke detector/sensors, and exit signs and lights. Since it is critical that all equipment be present and working, tampering with any of it is a violation of the New York State Penal Code. **Persons found guilty of misusing fire equipment can receive up to a year in jail, a \$500 fine, termination of their residence hall license, and referral to the College Judicial System.**

In case of fire or the need to evacuate disabled persons from the building, the Complex Director/Resident Director or Resident Assistant/First Year Mentor/Apartment Assistant will inform University Police of the following information:

- 1. Whether or not the students with disabilities have left the building.**
- 2. If students are still in building and their location.**
- 3. University Police will communicate to the Buffalo Fire Department the location of the student's room.**

Students with disabilities, either temporary or permanent, are encouraged to notify hall staff at check-in so appropriate emergency response procedures can be implemented if needed. SUNY Minimum Standards for Residence Hall Living

The Residence Life program complies with the SUNY Minimum Standards for Residence Hall Living. The State University of New York has established the following minimum living condition standards for its residence halls:

### **Standard I**

The residence halls shall be constructed and maintained to conform to all applicable safety codes and health standards.

### **Standard II**

The campus maintenance plan shall provide for the regular schedule of cleaning and repair for all common areas of residence halls.

### **Standard III**

The campus shall provide each student resident with adequate living space, furniture, and appropriate and sufficient heat, light, and hot water.

### **Standard IV**

The campus shall establish procedures for routine and emergency repairs to residence hall facilities.

### **Standard V**

The campus shall establish procedures for redress for student residents in the event of the loss of services such as heat, light, and hot water in the residence halls for extended periods that are within the control of the campus.

## **Residence Hall Facility Services**

### **Assignment of Residence Hall Keys**

Upon arrival you will be issued keys/keycards for your room and suite, key fob for your building entrance, and a mailbox key. You are responsible for these and will be charged should they be lost or stolen. Never duplicate keys or give them to someone else. This is an unnecessary risk to your property and personal safety.

### **Key Replacement**

If you have a problem with your keys, see your Hall Staff immediately. Minor damages due to normal use will not be billed to the student. Students will be charged for lost, damaged (due to misuse or neglect), and stolen keys. If your keys are lost or stolen, you will be charged for a lock change and new set of keys. The key/keycard charges are as follows (subject to change):

- Room key lock Change \$30.00
- Suite key Lock Change \$35.00
- Apartment key Lock Change \$35.00
- Room Key cards \$25.00
- Entry key fob \$20.00
- Mailbox key \$5.00

### **Getting Help when you are locked out of Your Room**

If you get locked out of your room, locate a Staff Member or Complex Director to assist you. You must produce proper ID to establish and verify the assignment of your room. For the protection of all residents, no one will be admitted to a room if that person is not assigned to that room. If you are

unable to locate a Staff Member or Hall Director, contact the Residence Life Office at (716) 878-3000 for assistance.

### **Mail and Mailboxes:**

Residence Hall mailboxes are located near the staff office in each hall. Mail arrives once daily Monday through Friday and is sorted into the mailboxes by 5 p.m. Mail is not delivered on Saturday or Sundays. For security reasons, only designated staff members may sort mail and they must put it into the boxes (they may not hand it over the counter to residents). Packages must be signed for during desk hours. Mail and packages must be addressed as follows:

Buffalo State College

Your Name

Your Hall

P.O. Box (4 digit number)

Buffalo, NY 14213- (4 digit P.O. Box number)

Cassety Hall P.O. Box 5122, 14213-5122

Moore Complex P.O. Box 5125, 14213-5125

Neumann Hall P.O. Box 5108, 14213-5108

North Wing P.O. Box 5121, 14213-5121

Perry Hall P.O. Box 5127, 14213-5127

Porter Hall P.O. Box 5120, 14213-5120

Student Apartment Complex P.O. Box 5124, 14213-5124

Tower 1 P.O. Box 5123, 14213-5123

Tower 2 P.O. Box 5118, 14213-5118

Tower 3 P.O. Box 5119, 14213-5119

Tower 4 P.O. Box 5126, 14213-5126

### **Forwarding Residence Hall Mail**

Following the end of the academic year, first class mail addressed to you at the college will be forwarded for 30 days. Students must provide an up to date mailing address prior to the end of the spring semester before mail will be forwarded.

### **Maintenance/Custodial Repairs:**

- Routine repairs should be reported via the on-line Maintenance Request system at the Residence Life Office website ([www.buffalostate.edu/residencelife/currentstudents/maintenanceandcustodialservices](http://www.buffalostate.edu/residencelife/currentstudents/maintenanceandcustodialservices))
- Emergency repairs during normal business hours (M-F, 8:30-4:30) should be reported directly to the Residence Life Office at (716) 878-3000. Emergency repairs after hours and on weekends should be reported to your Hall Staff or the Hall Staff on Duty.

Please note that by submitting a repair request you are giving the appropriate individuals permission to enter your room to perform the repair. This is true even if you are not present at the time the repair is

done. It may be necessary, in certain instances when the problem is extensive, to move you to another room while repairs take place.

### **Heat/Air Conditioning (STAC only):**

All rooms/suites are heated and all attempts are made to maintain the residence hall rooms at a reasonable temperature. Should you have a heating/air conditioning problem please check the following before requesting maintenance service:

1. Make sure that desks, dressers, and beds are not blocking the windows (especially in the Towers and Moore Complex) or that books, TV's etc. are stored on top of the room window ledge. This will inhibit air flow which will result in heat loss. For STAC please make sure that boxes or items are not blocking the air handling unit at the end of the hallway.
2. Be sure that all windows are closed and locked. **If you have checked all of the above areas and you still have a concern, request service through the web-based Maintenance Request system.**

### **Residence Hall Housing Agreement**

The residence hall agreement is for the entire academic year. The residence hall agreement creates a license for the student to use on campus housing and is not a lease. It is understood and agreed that the relationship between Buffalo State College and the student is that of a licensor-licensee and not that of landlord-tenant.

The written terms and conditions of the agreement supersede all previous agreements, as well as any verbal statements or telephone conversations made concerning this agreement. Completing and submitting the Residence Hall Agreement constitutes acceptance of its terms and conditions. All university regulations that are in effect at Buffalo State College apply to any person who resides in the residence halls.

### **Room/Hall Change Requests**

Room change within the same building, or from building to building, takes place approximately three weeks after the beginning of the semester. Signs will be posted in the residence halls notifying you of the time and place to request a room change. Room changes may only take place during COURTESY HOURS (see section 1.50B). Unauthorized room changes may result in judicial disciplinary action.

### **Roommate Consolidation**

If you do not have a roommate at the start of the semester, you may be asked to move to another room or accept a roommate upon request. All furniture shall be maintained in a double occupancy fashion.

### **Single Rooms**

All requests for a single room must take place at the Residence Life Office and is based on space availability or medical need. There may be an additional charge for single rooms.

## **Room Selection**

1. Each spring, residential students will have the opportunity to pre-register for the room and roommate of your choice for the following academic year.
2. Requests for medical housing accommodations must be accompanied by supporting documentation from a health care provider. The Student Accessibility Services Office will review all medical housing requests for housing assignment.
3. Requests for room assignments or room/hall changes based on race, religion, ethnicity, sexual orientation, or veteran status will not be honored.

## **Requests for License Termination/License Revocation Procedures**

**The residence hall license is a full academic year commitment.** Each request to terminate the license is reviewed. You are advised not to enter into any new housing lease or contract until you receive written notice and approval to terminate your housing license from the Residence Life Office. You will continue to incur housing charges until that time. In order to request a termination of your housing license, you must submit a "Termination Request" form (available in the Residence Life Office). Your request will be reviewed by the Housing Exemption Committee.

## **Judicial Reassignments and/or Termination of Housing License**

The Residence Life Office may assign and reassign rooms at their discretion and may revoke students' licenses if their behavior is deemed inappropriate. Residents whose licenses are revoked by the Residence Life Office or the College Judicial System are not eligible for a refund of any room charges.

## **College Withdrawal/Mid-Year Graduation and your Housing License**

Residential students who withdraw from the college or graduate in December must forward written notification to the Residence Life Office. Failure to do so may result in additional room rental charges. Residents who withdraw from the college must vacate the residence hall and remove all personal belongings from the premises within 24 hours of withdrawal from the college.

## **Residence Life Refund Policy (found on the student accounts website)**

### **1. Deposit Refunds**

The advance room deposit will be refunded only after the following conditions are met: Written notice of cancellation is received by the Director of Residence Life prior to June 1 for the fall semester. Students who withdraw from college for reasons (beyond their control i.e. medical) will have their deposit returned provided documentation of said condition is provided by appropriate medical personnel.

### **2. Room Fee Refunds may be granted as follows: A. Prior to Residence Hall Opening:**

Residence Hall room fee refunds follow the campus tuition refund policy.

#### **B. "Medical Withdrawal"**

A prorated refund is granted if a student withdraws from the college and the residence hall after the beginning of the semester due to circumstances beyond his/her control (e.g. medical). In such cases, the student must provide written justification for the

refund to the director of residence life. If approved, the refund will be based on the date of notification/withdrawal.

### 3. Dining Services Meal Plan Changes:

All requests to change meal plans must be reviewed and approved by Dining Services. Dining Services is located in the Student Union.

## **Hall Closing at Breaks and Year-End**

### 1. Halls Open during Break Periods

All halls are closed during all breaks (Thanksgiving, Winter Break, and Spring Break) with the exception of Moore Complex and Student Apartment Complex. Students requiring housing in residence halls other than noted above may request authorization to remain in their room during the break if there is a documented and legitimate academic need to remain on campus. Permissible academic needs are internship and/or student teaching only. The need to work on or off campus is not a legitimate reason to remain on campus during break periods.

When leaving for Thanksgiving Break, Winter Break, and Spring Break, please be sure to clean your room, empty your trash, unplug all electrical appliances, and lock your windows and door. All rooms, suites and apartments are to be cleaned and returned to a livable condition for any new resident who may be assigned to a vacated space during a break period. All trash is to be removed and furniture shall be returned to its original location and in an acceptable living condition prior to departure. Failure to abide may result in disciplinary action or charges for any necessary work to permit occupancy of another resident. All residents (excluding Moore Complex and STAC residents) are billed the weekly room rate for their stay on campus during break housing.

### 2. Hall Closing in May

All residents must vacate their rooms 24 hours after your last final examination or by 11:00pm on the Thursday of CEP week. Requests to remain after the designated check out times must be approved by your Complex Director in advance. You must meet with a staff member in order to properly check out of the residence halls. Additional information will be provided near the end of each semester regarding check out procedures.

- a. Remove all of your belongings from your room, suite or apartment.
- b. Clean out desks, dressers, closets, etc. of all personal belongings.
- c. Move the furniture back to its original location.
- d. Broom clean floors and remove all trash. Trash should be taken to the appropriate trash room.
- e. Remove all posters and tape from ceilings and walls.
- f. Clean windows if painted.
- g. Have your room inspected by a staff member.
- h. Complete the room inventory forms and return all keys to a staff member.



## **Summer School Housing**

Rooms in the residence hall are available should you decide to attend any or all summer school sessions. You must pre-register for summer housing at the Residence Life Office. Information will be posted in each residence hall near the end of the spring semester regarding summer school housing.

## **Moore and Student Apartment Complex Policies**

Residents of Moore and the Student Apartment Complex have the opportunity to live in apartments on campus. As the apartments are fully equipped for independent living, there are some additional freedoms for Moore and Student Apartment Complex residents. All Residence Hall Policies apply to Moore and Student Apartment Complex residents (including Family College residents), but Moore and Student Apartment Complex residents are allowed to have some additional kitchen appliances (toasters, toaster ovens). **See the Apartment Living handbook for additional information on policies related to Moore and Student Apartment Complex.**

## **Family College Policy on Non-Student Residents**

The Family College program was initiated to provide undergraduate Buffalo State College students who are parents the opportunity to live on campus. To be eligible for the Family College program, students must be an undergraduate student enrolled full-time at Buffalo State College and have a dependent child or children living with them at all times. The Residence Life Office will arrange for families to reside in the most appropriate apartment configuration. Apartment occupancy may not exceed maximum occupancy designed for each applicable apartment. Residents will be asked to vacate the apartment should they exceed the maximum occupancy allowed. Each child will be given a separate bedroom (if available) from other siblings and parents. If an apartment that is the correct size for the applicant family is not available, the family will be placed on a waiting list until such an apartment becomes available. Each student is required to show proof that they have a dependent or legal guardianship for each child. If both parents are Buffalo State students, they may reside in the apartment together with their child/ren until such time as they are no longer eligible to live in Family College. If one of the parents is not a Buffalo State student and the non-resident requests to live in the Family College apartment, the Buffalo State student who is the parent must file a request with the Residence Life Office. The request form requires the applicant to provide detailed information regarding his/her relationship to the non-student and dependent child; along with a background check provided by the requesting student. Final approval will be granted upon review of the application. All non-student residents who are given authorization to live on campus do so at the sole discretion of the college.

Non-students and children of students who live in the Family College are required to follow all applicable rules and regulations as outlined for both resident students and Buffalo State students in the Student Handbook. Failure to do so will result in the termination of the license to live in the Family College. It is the student's responsibility to ensure that his/her child and any non-student resident are fully informed with regards to these rules and regulations. Children registered with Family College may not participate at any Residential Life Office sponsored activities unless the child is accompanied by an adult.

## **Residence Life Damage Billing Policies**

**A.** You are responsible for any damage to your room/suite/apartment, and bath area, their furniture/equipment, as well as for any damage you cause to any other part of the residence hall and/or

premises. You and your roommate or suitemates/apartment mates, in cooperation with your hall staff, complete and sign the room/suite inventory sheet at the beginning of the occupancy period, indicating the condition of the room/suite/apartment and its furnishings prior to occupancy; and at the end of your occupancy. This form will be used to determine all damage charges assessed. Review this inventory carefully before signing it.

**B.** You will be charged for all damages you cause. When the individual responsible for damage is unknown, all residents of the room/suite/apartment will be held responsible. Charges for damages are based upon anticipated costs of repairs or replacements, including labor. "HOLDS" on records will be imposed for any unpaid bills. Unpaid bills may be turned over to the New York State Attorney General for collection purposes.

**C.** The resident who causes or hosts an individual causing damage will be held responsible for the damages.

**D.** Damages to public/common areas will be the financial responsibility of all residents of the area (wing, floor, section, or hall) unless someone accepts individual responsibility. The resident who causes or hosts an individual causing damage will be held responsible for the damages.

**E.** Only fire-resistant decorations deemed appropriate by the Residence Life Office are permitted. Any damages caused by decorations will be assessed accordingly to the responsible student.

**F.** The Residence Life Office will determine charges for damages. All damage assessments must be paid to the Student Accounts Office by the date noted on the student bill or additional late charges will be assessed.

**G.** The inventory sheet signed by both you and a designated staff member is the sole document to be used in billing for damages. Residence Life personnel will bill you for those damages clearly noted on your room/suite/apartment inventory sheet. Charges for damages will be noted at checkout.

**H.** Buffalo State shall not be liable either directly or indirectly for any loss or damages caused by insufficient heat, irregular electrical current, flooding, fire, or theft to any article or property belonging to residence hall occupants wherever situated. Therefore, students are advised to carry personal property insurance.

**I.** Students who feel wrongly billed for damages and other charges assessed by the Residence Hall staff have the right to appeal. Appeals must be submitted in writing to the Director of Residence Life within 30 days from the date of invoice.

## **Student Conduct**

In order to maintain a positive environment that is conducive to sleeping, studying, and academic success, all residents and guests in the Buffalo State's residence halls must abide by all residence hall and college policies, as well as state and federal laws. A demonstrated inability or unwillingness to establish and maintain a reasonable level of civility with your roommate and/or community may result in an administrative room move, restriction from certain halls, or removal from residence halls.

Please note that you will be held responsible for your guest's actions while they are in the residence halls. You should acquaint yourself with all residence hall policies noted in this handbook, posted throughout the halls, and the Code of Rights, Freedoms, and Responsibilities for Students to ensure that you and your guest are in compliance with all policies at all times.

## Residence Life Policies and Procedures

The term “residence halls” apply to all Buffalo State College owned or operated residential facilities, including residence halls, on-campus apartments (unless otherwise stated), and any temporary off campus housing officially overseen by the College. Students and guests who are present for violations will be held responsible for contributing to those violations if they knowingly had the opportunity to stop the violation and did not, or if they make the conscious decision to not remove themselves from the situation and/or report it to a staff member.

**1.00 GENERAL RESPONSIBILITIES:** While in the residence halls or participating in a Residence Life Office sponsored program, residential students and residence hall guests/visitors shall abide by the following policies and procedures. Failure to abide by any of the policies noted may result in disciplinary action or loss of privilege to continue residency within housing officially overseen by the College. Any behaviors deemed as disruptive to sleeping, studying or harmonious community living are prohibited. Any behavior deemed threatening to the general safety of residence hall occupants, including oneself, is prohibited.

**1.05 RESPECT FOR OTHERS:** Those living in or visiting the residence halls are expected to be tolerant and respectful of diversity within our community. Further policy guidelines are included in the Policies and Procedures within the Code of Rights, Freedoms, and Responsibilities for Students

**1.10 ALCOHOL POLICY:** Consumption of alcoholic beverages in the residence halls is a privilege. The Residence Life Office has formulated policies that foster an atmosphere conducive to individual choice and the responsible consumption of alcohol. It is our hope that they will prevent alcohol-related behavior problems, promote your health and safety, and preserve your living environment. Students in violation of alcohol policy will be required to dispose of alcohol under supervision of Residence Hall staff or the University Police Department. Additionally, students who violate the alcohol policy may be required to attend an alcohol and/or other drug educational program. Students involved in alcohol violations may have their parents/guardians notified by the Dean of Students or his/her designee. (See the “Buffalo State College Parental Notification Policy”). All use of alcohol within the residence halls must be consistent with New York State law as well as Buffalo State College policies. Guests of underage students may not possess, be under the influence of, or consume alcoholic beverages in the residence halls.

- A. Unless you are 21 years of age, you are prohibited from being under the influence of, possessing and/or consuming alcoholic beverages in any residence halls.
- B. First Year Areas are “dry areas” wherein no alcohol is allowed. First-Year Areas include Perry Hall, Neumann Hall, and Porter Hall (and any location where half (or more) of the residents housed are first year students).
- C. A room and/or suite where all residents are under 21 years of age will be considered a “dry area” where no alcohol or alcohol containers are allowed, regardless of the age of guests.
- D. No alcohol containers/collections/paraphernalia may be kept in student rooms/suites/apartments, regardless of whether or not it is a dry-area.
- E. Residents 21 years of age or older may consume alcoholic beverages in their room/suite/apartment only.

1. Individual possession of alcohol by a student 21 or over in his or her student room is limited to 1 liter of spirits/wine or 1 twelve-pack of beer.
  2. If all the residents of a student room are not of legal drinking age, those residents over 21 may keep alcohol in the room; however, these students are prohibited from drinking with, serving, or in any way providing alcohol to those residents who are not of legal drinking age.
  3. Students who are 21 or older and who reside in a room with students who are not yet 21 may be held responsible for violating this section if they do not take reasonable steps to ensure the underage residents do not gain access to the alcohol they possess.
- F. No consumption of alcoholic beverages will be permitted in any public areas, including lounges, corridors, elevators, stairwells, etc.
  - G. Activities that promote binge drinking or heavy/episodic drinking such as drinking games and funnels, kegs and beer balls are prohibited in residence hall facilities.
  - H. No alcohol is permitted at events sponsored by the Residence Life Office or the Residence Hall Association.
  - I. An individual's use of alcohol, whether on/off-campus, which results in a disruption to the residence hall community (i.e. vandalism, hospitalization) is prohibited

**1.15 COMMUNITY BEHAVIOR:** In order to create a safe, respectful, academically conducive environment for all residents, the following acts are prohibited in the Buffalo State College residence halls:

- A. Disruptive behavior including, but not limited to being loud, aggressive, intimidating, or constituting a nuisance or danger to persons (including oneself) or property. . B. Removing room, suite, apartment, or lounge furniture from its designated locations.
- C. Playing sports, including but not limited to: skateboarding, Frisbee, hacky sac, running, ball throwing or bouncing, lacrosse, hockey, roller skating, or weight lifting.
- D. Activities that promote binge drinking or heavy/episodic drinking such as drinking games are prohibited in residence hall facilities.
- E. Gambling
- F. Mail tampering, including removing another person's mail or package from the residence hall mailboxes.
- G. Throwing objects out of or into windows.
- H. Willful destruction of college property.
- I. Unauthorized access to hall roofs, storage/trunk rooms, electrical closets, mail cabinets, offices, etc.
- J. Propping open outside doors and fire doors.
- K. Failure to present photo identification and/or cooperate with College staff as requested, including failure to attend mandatory meetings with residence hall staff (including but not limited to floor/hall, judicial, or general meetings)
- L. Displaying of items from windows or public areas that are inappropriate or offensive to an academic environment.

**1.20 RESPONDING TO RESIDENCE LIFE OR COLLEGE OFFICIAL:** It is expected that all students will respond to directives given by a Residence Life staff or other college officials. This includes but is not limited to emergency instructions and instructions to cease certain behaviors or activities.

**1.25 PHYSICAL ABUSE AND HARASSMENT:** Physical abuse and harassment are strictly prohibited by the policies and procedures within the Code of Rights, Freedoms and Responsibilities of Students. Such behavior may also result in immediate dismissal from the residence halls, referral to the college judicial system, and arrest under the applicable New York State laws. Residence hall students who are transported to the hospital for “behaviors that result in a determination that the student is a danger to himself/herself or others” (i.e. psychiatric evaluation, alcohol overdose, etc.) are required to meet with a staff member of the Buffalo State College Counseling Center within a timeframe specified by the Associate Director for Residence Life or his/her designee.

**Sexual harassment is also a violation of federal law under section 203(f), Title VII of the 1964 Civil Rights Act, under Title I of the Education Amendment of 1972.**

- A. Harassment, any student who intentionally, threatens, or intimidates residence hall students and/or staff (including all paraprofessionals, complex directors, resident directors, cleaning and maintenance personnel, University Police officers or others) in person, third party, or by using social media agents.
- B. Physical abuse- any student, who intentionally commits acts of physical violence towards oneself or others, including, but not limited to, fights (engaging or initiating), domestic altercations or violence, sexual abuse, or use of weapons of any type.

**1.30 ILLEGAL DRUG POLICY:** The use, offer for sale, distribution, possession and/or being under the influence of, manufacture of any controlled substance and/or paraphernalia, including prescription medications, except as expressly permitted by law is prohibited. **Additionally, students are prohibited from being under the influence of any controlled substance.** University Police will confiscate illegal drug paraphernalia and illegal drugs. Violations of this policy may result in referral to the college judicial system, dismissal from the Residence Halls, and arrest under the applicable New York State laws. Students who violate the drug policy may be required to attend a drug education program

**1.35 GUEST AND VISITATION POLICY:** Residential students and guests must comply with all escort and visitation policies and procedures. Guests may be directed to vacate the residence halls at any time for failure to abide by Residence Life or campus policies and procedures. The Residence Life Office reserves the right to ban individuals from the residence halls if they are suspected of living on campus illegally or of abusing the visitation privilege. The Residence Life Office may restrict all visitation privileges throughout a residence hall as necessary.

**Guests** (defined as non-student persons not assigned to a room, are permitted in the halls as long as all applicable policies and procedures are followed and a student’s roommate(s) grants permission for the guest to visit.

**Visitors** (defined as BSC students (resident or non-resident) persons are permitted in the halls as long as all applicable and procedures are followed and a student’s roommate(s) grant permission for the visitor to be present.

- A. All residential students will be required to show a validated photo ID card when requested.

- B. Guests and visitors of residents may be asked to show proof of identity.
- C. You have a right to ask for identification from any person that you suspect to be a nonresident. Notify University Police or hall staff if a non-resident found in the building does not cooperate when asked to leave the hall.
- D. Students are entitled to have guests/visitors but they must be escorted at all times. Students are responsible for the actions of their guests/visitors.
- E. The hosting resident student shall be responsible for the actions of any guests/visitors he/she escorts in the hall, and must accompany the non-residents at all times. Unsupervised guests/visitors may be asked to vacate the residence hall immediately.
- F. Guests/Visitors should be registered with the staff on duty during desk hours. Any guest or visitor in the building after desk hours is considered an overnight guest and should be registered with the hall staff. Guests/visitors not registered with the hall staff after desk hours may be asked to vacate the residence hall immediately
- G. Guests/Visitors may stay for up to 72 consecutive hours, or a total of five days a month, with permission of roommates. This includes siblings and children of residential students (excluding family college residents).
- H. Children under the age 18 cannot be left unsupervised within the residence halls.
- I. In order to maintain an environment conducive to studying and sleeping, each resident student may host no more than two guests/visitors at one time, provided their roommate has agreed to the visitation request. Requests to exceed this limit should be presented to the Complex Director or Residence Director in advance.
- J. Residents who wish to sign in additional guests during the same evening must have initial guests sign out before new guests can be signed in.

**1.40 FIRE SAFETY POLICY:** To ensure as safe an environment as possible for our residential students, students must follow the following fire safety policies:

- A. **Tampering with fire/safety equipment is in violation of the state penal code and prohibited in the residence halls.** Such equipment includes alarm systems, hoses, extinguishers, pull stations, heat and smoke detectors, exit signs, etc. Tampering with these and like systems is punishable by up to one year in jail, a \$500 fine, termination of eligibility to reside in the residence halls for two years, and referral to the judicial process.
- B. Residential students and visitors must evacuate a residence hall when the building alarm sounds, and/or when instructed to do so by emergency personnel and/or college officials.
- C. The following items and activities are prohibited in the residence halls due to the fire hazard they present to residence hall students. Health & Safety and Fire Marshall (Office of Fire Prevention and Control) inspections will be conducted on a regular basis to ensure that residents are following the health and safety related policies in this handbook. The following items may be confiscated and kept in storage in the paraprofessional office until which time a student departs the residence halls or returns home.
  1. Candles
  2. Incense
  3. Non-thermostatically controlled appliances and/or appliances without automatic shut-off including, but not limited to, George Foreman-type grills (not allowed in any

building), hot pots, electric burners and/or griddles, toasters, toaster ovens, sandwich makers, irons (without automatic shut-off) etc. (permitted in Moore Complex and Student Apartment Complex as long as they are kept in the kitchen area)

4. Refrigerators over four point six cubic feet in size. Each room is limited to no more than two compact sized refrigerators (cubed), two Microfridges or one six cubic foot refrigerator.
5. Microwave ovens, other than Microfridges, are not permitted within student rooms in Porter Hall, Perry Hall, Neumann Hall, and Cassety Hall. One (1) microwave oven is permitted within the suite room in suite-style halls (Towers 1-4 and North Wing) or within the Moore Complex and the Student Apartment Complex.
6. Furniture and equipment not provided by the college, including, but not limited to, upholstered or wicker furniture, halogen lamps, 5 light multi-colored lamps, futons, wooden structures (i.e. bars, lofts, etc.), air conditioner units, personal mattresses and waterbeds. All furniture issued by the College must remain in the assigned room.
7. Cooking in student rooms, suites, and bath areas (except in Moore and the Student Apartment Complex kitchens) with illegal appliances. Students must be present while they are using kitchen/cooking facilities, including microwaves.
8. Firecrackers or explosives of any type.
9. Combustible and/or noxious chemicals and/or gases.
10. Mechanical machinery and any other fuel-powered equipment.
11. Extension cords and multi-plug outlet splitters. UL approved surge protectors are permissible, but cannot be plugged into one another.
12. Tapestries or curtains hung on walls/ceilings/closets or over windows unless labeled as fire retardant.
13. No lava lamps or holiday lights (except during seasonal holidays) are permitted.
14. Activating fire and life safety systems (i.e. fire alarms, smoke detectors) in residence hall due to negligence or malicious intent. Persons who have activated the fire alarm system in a building must immediately report themselves to hall staff and/or University Police.
15. Cinder blocks.
16. Door decorations which fully cover the door.
17. Wall decorations which cover more than 20% of each wall (50% wall covering is allowed in Student Apartment Complex).
18. Obstructing the evacuation route within a student room, suite, apartment, stairwell, entrance/exit, etc. (desks and other furniture cannot block exit doors) - 19. Covering or disabling of fire alarm detection devices.
20. Discharging fire extinguisher or fire sprinkler equipment.

**1.45 SECURITY POLICY:** Duplication of keys for any reason is strictly prohibited. Giving keys or fobs to another person, for any reason is strictly prohibited. Students are required to lock their doors when they leave their residence hall room. Residents and their guests will be subject to disciplinary action if they attempt to bypass the security system in the following manner: failure to respond to requests by designated personnel, such as night hosts and student security personnel, propping doors, entering a secured area behind someone, allowing access to someone you do not know, forcing open locked doors, lending keys or key fobs, and tampering with security cameras. Residents are required to have their keys with them at all times.

- A. Entering or leaving a residence hall via a window or unauthorized door.
- B. Theft or use of another person's property without their written consent is prohibited.
- C. Burglary, the unlawful entry (trespass) within a structure with the intent to commit a felony or theft is prohibited
- D. Robbery, the unlawful attack on a person with the intent to take their property is prohibited.

**1.50 NOISE & QUIET/COURTESY HOURS POLICY:** The Residence Life Office supports each resident's right to be able to sleep and study. Those who violate quiet or courtesy hours may be referred to the appropriate judicial process.

- A. Specific hours have been designated as quiet hours, during which noise and loud activity is to be kept to a minimum and no noise should be heard outside of a student's room, suite, or apartment. Quiet hours are Sunday –Thursday from 10 p.m. - 10 a.m.; Friday and Saturday from midnight - 10 a.m.
- B. Courtesy hours, which require that individuals are appropriately responsive to requests that noise levels be lowered, are in effect 24 hours a day.
- C. During the final two weeks of the semester (prior to examination week), quiet hours are in effect 24 hours a day. Violators may be immediately suspended from living on campus. Quiet hours are in effect 24 hours a day during exam week. D. Additional noise prohibitions include:
  1. Noise out windows, including yelling, loudspeakers, speakers facing windows, public address systems, etc.
  2. Use of amplifiers
  3. The practicing of musical instruments in a manner that violates quiet hours or courtesy hours.
  4. Moving furniture during quiet hours.

**1.55 PET POLICY:** No pets, with the exception of fish in a ten-gallon tank or less are permitted in or around the residence halls.

**1.57 ASSISTANCE ANIMALS POLICY AND AGREEMENT:** Buffalo State College (BSC) recognizes the importance of "Service Animals" as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of "Assistance Animals" under the Fair Housing Act that provide physical and/or emotional support to individuals with disabilities. BSC is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full-participation and equal access to the College's programs and activities. BSC is also committed to allowing Assistance Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy College housing. The Policy explains the specific requirements applicable to an individual's use of an Assistance Animal in College housing. The full policy and request form is available on the Residence Life website; <http://residencelife.buffalostate.edu/assistancecompanion-animal-policy>. BSC reserves the right to amend this Policy as circumstances require."

**1.60 SMOKING POLICY:** Buffalo State is a tobacco free campus; therefore smoking and smoking paraphernalia is prohibited in and around all residence halls within 15 feet.

**1.65 ROOM USE POLICY:** To ensure that the residence halls are safe and access is restricted to Buffalo State residential students and their guests, the following Room Use policies are in effect:



- A. Residents may not make available any portion of their room to another individual not officially designated by the Residence Life Office as an occupant of that room.<sup>21</sup>
- B. Residents who do not have an assigned roommate may not rearrange their room as though it was designed for single occupancy. Failure by any student to keep his or her room set up as for double occupancy under such conditions will result in that student being billed for both spaces within the room. Available bed spaces may be assigned to another student at any time during the academic year.
- C. Residents will maintain a safe/healthy/clean environment within individual rooms, suites and apartments at all times. Room trash must be disposed of appropriately throughout occupancy of the residence halls.
- D. All spaces within rooms, suites and apartments shall be suitable for occupancy (clean and free of trash, debris, empty bottles, recycling materials, etc.) prior to the departure for the semester break for any new resident assigned to an available space for the spring semester. Failure to comply will result in a cleaning assessment charge to all parties occupying said space.
- E. Students are encouraged to make their space their home while abiding by outlined policies. No nails or hooks may be placed in walls, or anything else that causes permanent damage to hall facilities. All fire and life safety policies must be adhered to, including the restriction of non-College provided furniture – See Section 1.40.

**1.70 SOLICITATION AND SALES:** To protect your right to privacy, external canvassing or solicitation of funds, sales, memberships or subscriptions are not permitted in the residence halls (e.g. conduct business from their rooms or sponsor commercial activities). This prohibits:

- A. Door-to-door sales and solicitation.
- B. Using your room, campus phone/computer, or campus address as a place of business for commercial solicitation.

**1.75 EVENT POLICIES:** In planning events in residence halls, please keep in mind that these are “homes” designed for residential living, not halls for staging major events. Lounge areas in the residence halls are for the comfort and convenience of those who live there. The following policies apply:

- A. All events and programs must be registered with the Residence Life Office and/or Complex or Residence Director with dates and times reserved.
- B. All events must be registered in order to reserve the space.
- C. The event sponsor is responsible for IMMEDIATE and thorough clean up. Residence hall custodial staff members are not responsible for event-related clean-up. The sponsor will be charged for any clean up required and/or damage incurred.
- D. Attendance at events shall be limited to residents and their escorted guests.
- E. Health, safety, and fire standards must be maintained at all events. Contact your Complex Director for specific guidelines.
- F. No events will be permitted in the hallways.
- G. No events will be allowed during quiet hours, unless prior approval is received by Residence Director or Complex Director.
- H. No alcohol is permitted at residence hall events.
- I. Recognized campus organizations and offices may request the use of residence hall space, but all of the above policies must be abided by and the event must be co-sponsored by the

Residence Hall staff, Hall Council, or Residence Hall Association. Permission must be received prior to utilizing said space.

**1.80 POSTERS/NOTICES POLICY:** The Residence Life Office is committed to promoting Residence Life and College activities; informing students of meetings and programs that occur on campus; and informing students of college policies and other important information.

- A. Primary consideration for posting and advertising of activities and programs is given to residence hall programs and activities.
- B. Hall Staff and Hall Council postings must be approved by the Complex or Residence Director. These postings and other RLO approved postings will be posted on individual floors by paraprofessionals. Hall Councils may post signs with the approval of the Hall Council Advisor.
- C. Recognized student organizations may receive approval for postings by providing copies of the items to be posted to the Residence Life Office for approval. All postings will be coordinated by Residential Hall Staff only.
- D. Residence Hall Staff will post on designated first floor and mailbox area bulletin boards or areas as designated by the Complex/Residence Director for recognized student organizations.
- E. Flyers and/or leaflets may not be distributed in the residence halls.
- F. Posting or advertisements that advertise or promote alcohol use are prohibited.
- G. Any posting or advertisements that conflict with the Buffalo State College Residence Hall Respect for Others Policy will not be approved.
- H. Any materials or postings that have been posted without authorization may subject the group, individual, or organization to the College's judicial system, which may include financial penalties for removal and/or clean up.
- I. Approved postings will be posted by Residence Life staff and only one flyer no larger than 11" x 17" will be posted per floor or paraprofessional.
- J. Residence Life staff will remove unapproved, vandalized and outdated postings.
- K. Only on-campus events sponsored by the College will be posted.

**1.85 WEAPONS POLICY:** In order to ensure the safety of our residents, other Buffalo State College students, and staff, weapons of all kinds are prohibited on campus. Some of the prohibitions include, but are not limited to:

- A. firearms
- B. knives
- C. air- or spring-loaded rifles and pistols
- D. as well as any other weapon or projectile-firing devices.
- E. Decorative or martial arts weapons are prohibited. Possession of bows and arrows are also prohibited.
- F. Violation of the section may result in dismissal from the residence halls – See Section 2.15E.

**1.90 PAINTING POLICY:** Residents may not paint their room, suite, or apartment. Residents will be held financially responsible for all labor and maintenance costs to repair a room, suite, or apartment.

**1.95 HEALTH AND SAFETY/OFFICE FIRE PREVENTION AND CONTROL INSPECTIONS & ROOM ENTRY POLICY:**

A. Residence Life and/or the Fire Marshall's staff will inspect student rooms on campus a minimum of once per semester for illegal electrical appliances as well as other fire/ safety hazards. Inspectors check closets but do not open desk or dresser drawers. Dates of the inspections are not publicized and your room will be checked whether you are present or not. Prohibited items will be confiscated at the time of the inspection. Notification of the confiscated items will be provided to the resident student. The confiscated item will only be returned when the student checks out of the residence hall at the end of a semester or the end of the academic year. Any items not retrieved by a student will be disposed of within three (3) business days.

B. Rooms may be entered by residence hall or college staff during any fire alarm or other building evacuation, when a device is left on unattended and is disrupting the community, or during inspections noted in 1.95. Rooms may be entered by Custodial/Maintenance Staff during each vacation period in order to ready a room for a new occupant. In addition, student rooms may be entered if there is a concern for a student's health and safety. When staff enters a student's room, the staff member is required to announce their need to enter and clearly identify her/him.

**2.00 HOLIDAY DECORATIONS POLICY:** You are encouraged to decorate your hall for all the holidays you and your fellow residents choose to observe. For everyone's safety, these decoration guidelines must be followed:

- A. Only artificial greenery decorations are allowed.
- B. All decorations must be non-combustible and easy to remove.
- C. Decorations should not cause permanent damage to buildings, fixtures, or furnishings.
- D. Unauthorized painting is prohibited.
- E. Decorations may not be attached to electrical fixtures, heat or smoke detectors, or exit signs.
- F. Building exits and hallways must not be blocked.
- G. All decorations, including window decorations, must be removed before hall closing each semester.

**2.05 UNAUTHORIZED VIDEO/COMPUTER/CABLE USE POLICY\*:** Any unauthorized use of university video equipment, the Residence Life cable system, or college computers is prohibited and may result in disciplinary action. Impermissible use of any video equipment or computer technology in a manner that infringes upon another's person's right to privacy may also result in disciplinary action and/or the required removal of the video equipment or computer technology from the residence halls. Other misuses of university or personal computers, etc. are strictly prohibited and may result in disciplinary action. \*See notice from Residence Life Office.

### **Residence Hall Judicial Process**

Students who commit violations of Residence Hall or College policies may be referred to the Residence Life Judicial Process. Students may be given a Residence Hall Warning; Residence Hall Community Service, Residence Hall Probation, Residence Hall Removal in Abeyance or Residence Hall Dismissal in addition to other applicable sanction (based on the policy violated) as a result of the judicial process. Students who fail to complete sanctions assigned by residence hall staff through the Residence Hall Judicial Process may be referred for further judicial action within Residence Life or they may be referred to the College Judicial System. If a student does not arrive for his or her judicial hearing in the residence

halls, the hearing will be adjudicated in the student's absence and the appropriate sanctions will be applied

Violations of residence hall policies or the Code of Rights, Freedoms, and Responsibilities may result in immediate referral to the College Judicial System and/or residence hall license review process, which could result in a student being required to immediately vacate the residence hall with no refund of their housing charges.

Every student has the right to appeal judicial and license review decisions. Appeals must be made in writing within 3 days of receiving notification of the outcome of the hearing for Residence Hall Judicial reviews.

License review appeals for housing license terminations must be made within 48 hours to the Associate Vice President for Campus Life. Specific reasons for the appeal, such as procedural error or inappropriate application of college regulations, must be included as the reason for the appeal.

**2.15A RESIDENCE HALL WARNING:** Students who are found in violation of residence hall rules and regulations may be placed on Residence Hall Warning. Students may be placed on residence hall warning for initial actions which warrant documentation. Students placed on residence hall warning may not appeal their placement on Residence Hall Warning.

**2.15B RESIDENCE HALL COMMUNITY SERVICE:** Students who are found in violation of residence hall rules and regulations may be required to perform Community Service. Students who are sanctioned to community service must complete their service within the timeframe specified.

**2.15C RESIDENCE HALL PROBATION:** Students who have been placed on Residence Hall Warning and/or Residence Hall Community Service who continue to violate policy and procedures, or fail to perform sanctions placed against, will be placed on Residence Hall Probation. Further sanctions may be placed against a student under 2.15C.

**2.15D RESIDENCE HALL REMOVAL IN ABEYANCE:** Students who are found in violation of residence hall rules and regulations may be placed on Removal in Abeyance. Students placed on Removal in Abeyance are provided a final opportunity to continue residency on campus provided they abide by the rules and regulations for campus residency and they complete any sanctions placed against them. Students who violate the rules and regulations for campus residency while on Removal in Abeyance will be removed from campus housing.

**2.15E DISMISSAL FROM RESIDENCE HALLS:** The following infractions may result in immediate dismissal and restriction from the residence halls and referral to the student judicial process. Arrest under New York State penal code is also possible.

A. Any health and safety violation, tampering with fire safety equipment, use or possession of fireworks lighting fires, and throwing anything from residence hall windows.

B. When a student is deemed a clear and present danger to himself/herself and /or others.

Examples include arrest for assault and battery, possession or use of a weapon, possession or sale of narcotics, or other illegal substances or crimes that may be determined to have serious or dangerous implications for students residing in the residence halls. Continued and/or

- serious violations of residence hall security systems or procedures may also result in dismissal.
- C. Willful destruction of college property.
  - D. Acts of physical violence. Such acts include, but are not limited to, fights, domestic altercations or violence, sexual abuse, or use of a weapon of any type.
  - E. Violation of residence hall probation.
  - F. Criminal conviction.
  - G. Possession of stolen property to include college property and personal property.

In cases where allegations have been made regarding violations of this section, an administrative hearing will be held to determine responsibility and further action. As outlined in the residence hall agreement, violations of this section may result in immediate suspension or dismissal from the residence halls. The Director of Residence Life or his/her designee will conduct administrative hearings. The outcome of the hearing will be in compliance with the residence hall agreement. Student may be subject to additional charges by the Student Judicial process and/or arrest under New York State Penal Code.

**2.15F NON-RENEWAL OF RESIDENCE HALL CONTRACT:** Students who are found in violation of residence hall rules and regulations may have his/her agreement deemed non-renewed. Any student who is continually disruptive of the residence hall community will be considered for non-renewal of the residence hall agreement. This includes, but is not limited to:

- A. Students who commit acts of vandalism.
- B. Students found responsible for multiple violations of the rules and regulations.
- C. Students on probation for any violation.
- D. Students who hinder the sleeping or studying of other members of the community.
- E. Students who are found to have endangered the health and safety of themselves and others.
- F. Students who are convicted of a crime.

## **Buffalo State College Code of Student Rights, Freedoms, and Responsibilities**

(Revised, September 2011)

### **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. 5
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.
5. where deemed appropriate, vacate convictions in verdicts and/or reduce sanctions.
6. 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

**BY CLICKING "I AGREE" I UNDERSTAND THAT I AM FINANCIALLY RESPONSIBLE FOR THE HOUSING AND MEAL CHARGES FOR THIS ACADEMIC YEAR. I AM ALSO RESPONSIBLE FOR ABIDING BY THE HOUSING LICENCE TERM AND CONDITIONS, RESIDENCE LIFE POLICIES AND PROCEDURES, AND THE COLLEGE JUDICIAL CODE.**