

JUNE 2016 SPECIAL COLLEGE COUNCIL MEETING

Date: Thursday, June 23, 2016

Time: 2:00 p.m.

Present: Council Members:

D. Hanson-Chairman, G. Aney, D. Burns, C. Giruzzi, N. Hinman and M. Veiz

Administration:

W. Durgin, R. Geer, and M. Lyons

Guests:

M. Heyboer, M. Lemire, and M. Wyett

Chairman Hanson welcomed and thanked everyone for attending this special meeting of the Council, which was called to discuss and approve changes to the Student Code of Conduct. The meeting was called to order at 2:13 p.m.

Student Code of Conduct

M. Lemire, SUNY Poly's legal counsel, and M. Wyett, director of student conduct, joined today's meeting to discuss the proposed revisions to the Student Code of Personal Conduct. These revisions were brought forth and discussed at the April meeting, but there was not a quorum in attendance.

A memo was distributed prior to today's meeting to allow the Council the opportunity to review the proposed revisions.

Following discussion and recommended edits regarding the eight code changes, a motion was made by Chairman Hanson and seconded by G. Aney to approve the Student Code of Conduct as stated below:

Article V: Proscribed Conduct B, Conduct Rules and Regulations (13.)

New code: Illegal or unauthorized use, possession or storage of any weapon or reasonable facsimile thereof (including, but not limited to, firearms and ammunition, stun guns, air guns, paintball guns, pellet guns, bb guns, clubs, crossbows, archery equipment, sling shots, martial arts weapons, swords, knives (e.g., gravity, hunting, lock blades, throwing knives, daggers, switchblade, butterfly, etc.)), fireworks and other explosives, and/or dangerous chemicals is prohibited on SUNY Poly premises.

Article VI: Judicial procedures, C. Educational Conference (4a.)

New code: In such instances, the accused will be asked to sign a form indicating his or her acceptance of responsibility and that he or she is waiving the right to a judicial proceeding. The judicial officer will send a letter documenting student responsibility and the sanctions imposed within five (5) business days of the educational conference, except when additional time is necessary for extenuating circumstances as determined by the provost or designee and upon written notification to the accused.

Article VI: Judicial procedures, C. Educational Conference (5b.)

New code: The judicial officer shall schedule a judicial proceeding with the Administrative Judicial Board within ten (10) business days of the educational conference unless special periods (breaks, etc.) dictate otherwise.

The accused shall be notified, in writing and/or by email, of the time and place of the Administrative Judicial Board proceeding at least four (4) business days prior to the hearing. Prior to the judicial proceeding, the accused shall be afforded the opportunity to review a copy of statements and pertinent records that will be presented.

Article VI: Judicial Procedures, D. Administrative Judicial Board (3.)

New code: A quorum of five (5) Administrative Judicial Board members (to include at least: (a) two (2) students; and (b) two (2) administrators and/or faculty members) shall be required for a judicial proceeding; one member shall serve as chair of the proceeding (determined by the members of the proceeding). All determinations by the Administrative Judicial Board are to be made by majority vote; abstentions are not permitted.

Article VI: Judicial Procedures, E. Judicial Proceedings (17b.)

New code: The provost or designee is required to accept the Administrative Judicial Board's decision unless the provost or designee determines that said decision is arbitrary and capricious. The provost or designee is not required to accept the Administrative Judicial Board's recommendation of the appropriate sanctions. Specifically, the provost or designee may reduce the sanctions recommended by the administrative Judicial Board, but may not increase the sanctions. The respondent shall receive a notice of decision from the provost or designee within three (3) days of receipt of the letter from the Administrative Judicial Board.

Reporting individuals and the respondent in sexual harassment, sexual violence, dating and domestic violence, and stalking incidents have the right to be informed, in writing and/or by e-mail, in a way consistent with the law, of the result, essential findings, and sanctions of the hearing, as well as notice of the appeal process, any possible changes to the result that may occur before it becomes final, and when the result becomes final. The reporting individual and respondent shall be notified concurrently in writing and/or by email within six (6) business days of the Administrative Judicial Board's decision.

Article VI: Judicial Procedures, F. Sanctions (8.)

New code: As permitted by law, the judicial officer may notify a student's parents or legal guardian of violations of the Student Code of Personal Conduct.

Article VI: Judicial Procedures, I. Appeals (3.)

New code: A quorum of three (3) Appellate Board members composed of at least one (1) student and at least one (1) faculty or staff shall be required for an appeal of a judicial proceeding. The SUNY Poly president shall appoint the membership from the SUNY Poly community (excluding visitors) as necessary. One member of the Appellate Board

shall serve as the chair of the body. Members of the Appellate Board must deliberate in a fair and impartial manner and may not have a conflict of interest.

Article VI: Judicial Procedures, I. Appeals (6.)

New code: The Appellate Board shall report its decision via letter to the provost or designee within three (3) business days. The provost or designee shall communicate the decision of the Appellate Board to the respondent or student organization, via certified letter and/or email, within three (3) business days of receipt of the board's decision. If the provost or designee determines that the Appellate Board's decision is arbitrary or capricious, the provost or designee may send it back to the Appellate Board for further review.

ACT for Excellence and Student Initiative Scholarship

Chairman Hanson discussed the ACT (Association for Council Members and College Trustees) for Excellence and Student Initiative Scholarship, noting that each SUNY Campus is encouraged to submit one nomination. Council members reviewed and discussed two nominations received by Administration.

The Council determined that since a nomination is not due to ACT until mid-July, they are recommending Administration re-solicit the student body for additional nominations. A separate communication should also be sent to the students who have already submitted their nomination, as Council would like to encourage all applicants to include supporting documentation.

Adjournment

At 3:36 p.m., Chairman Hanson moved to adjourn the meeting. All were in favor.