

# **Binghamton University Office of Student Conduct Sanction Guidelines**

For any conduct system to be credible, consistency must be a central element. These guidelines are intended to provide the community with a basic

Note that these are only guidelines. Hearing officers are encouraged to consider the overall context of any given case when crafting sanctions.

## Sanction definitions

**Conduct warning** — A conduct warning is an official acknowledgment that one or more rules have been violated and considered a low-level sanction. Conduct warning serves as notice to a student that the behavior is counter to the expectations in the Code of Student Conduct. Conduct warning is not a status sanction and there is no sanction duration associated with it.

**Disciplinary probation** — Disciplinary probation is a serious and active response to a violation of rules and may include educational intervention or other requirements as a term of the probation. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for further violations of the Code of Student Conduct during the probationary period. While on probation, students may be ineligible to receive certain University awards or scholarships. At the discretion of campus offices and programs, students on probation may be ineligible for employment and/or participation in certain campus programs.

**Loss of privileges** — Loss of privileges is the loss of specified privileges such as use of a particular facility, visitation to a residence hall, contact with an individual or other privileges for a designated period of time.

### Educational

## Alcohol policy violations

**Rule #1: Consumption, possession or purchase of alcoholic beverages by any person less than the minimum age allowed by law. Distribution of alcoholic beverages to anyone less than the minimum age allowed by law.**

**Rule #2: Possession of more than one case of beer (288 oz. or 24 12-oz. cans or bottles), two liters of wine and two liters of distilled spirits, or bulk containers of alcohol.**

The University is primarily concerned for the health and safety of the campus community. Binghamton University imposes disciplinary sanctions for violations of the alcohol policy as a means to educate students and deter behavior that negatively impacts the individual or the community. First-time violations of the alcohol policy will result in a referral to Binghamton's educational and/or medical intervention and a warning. In addition, students are encouraged to talk with their counselors and/or an alcohol educator about the role alcohol is playing in their life at Binghamton.

If a student fails to complete the educational/medical program, repeatedly violates the alcohol policy, or violates other University policies, they will be subject to disciplinary sanctions that usually include compliance with the education/medical program. Students who repeatedly violate this standard of conduct are of particular concern to the University because of the health risks to the student. In situations where the incident results in relocation from housing or other serious penalties, parents may be contacted.

Factors to be considered during sanctioning include the amount of alcohol present, the number of individuals present and the general level of disruption caused to the community.

## Good Samaritan actions

In cases of alcohol and prohibitive drug intoxication, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance for themselves or a friend/acquaintance who is suffering alcohol poisoning. No student seeking medical treatment for an alcohol or other drug-related overdose or other life-threatening medical emergency will be subject to University discipline for the sole violation of using or possessing alcohol or drugs. This policy shall extend to another student seeking help for the intoxicated student or the student who is facing a medical emergency. This policy does not absolve organizations from sanction if they host an event and illegally serve alcohol or drugs.

Typical behavior	Typical sanctions
<b>Rule #1: Underage drinking and/or possession</b>	
Underage individual with <b>small</b> amount of alcohol (up to and including: 6 pack of cans/bottles and 1 bottle of wine/liquor)	





**Typical behavior**

**Rule #3: Personal Use/Possession of Drugs**

Possession/personal use of marijuana (**small** amount = 20 grams or less)

Possession of drug paraphernalia with marijuana residue

Purchasing or attempting to purchase a small amount of marijuana

**Sanctioning considerations for all violations include:**

- How the violation was committed
- The amount and nature of the drug(s) involved
- The level of knowledge and the intent of the student
- Prior disciplinary history of the student

**Typical sanctions**

**First offense:**

- Conduct warning
- Referral to Alcohol, Tobacco and Other Drugs Office

**Second offense:**

- 4 semesters disciplinary probation
- Referral to Alcohol, Tobacco and Other Drugs Office

**Third offense:**

- Final Probation
- Referral to Alcohol, Tobacco and Other Drugs Office
- Relocation or removal from housing if appropriate



	factor.
<p><b>Rule #5: Theft</b></p> <p>Theft of property or services (i.e. Parking, Fit Space, etc.)</p> <p><b>Sanctioning considerations include:</b></p> <ul style="list-style-type: none"> <li>Impact on the community</li> <li>Impact on the individual</li> <li>Academic nature of the work</li> <li>Monetary value of the item(s)</li> </ul> <p>Thefts that impact another student’s ability to meet their academic responsibilities (i.e. theft of electronic devices) will result in more serious consequences</p>	<p>In general, a sanction for theft will include:</p> <ul style="list-style-type: none"> <li>A period of disciplinary probation</li> <li>Restitution if appropriate</li> <li>Educational intervention(s)</li> </ul> <p>However, there is a broad range of behaviors. Sanctions should reflect the severity of the theft. For instances of theft or acts that pose a threat to the community, loss of access to facilities and/or loss of housing and suspension may be considered.</p> <p>Note: students should expect enhanced sanctioning if the incident is the result of alcohol intoxication or drug impairment</p>
<p><b>Rule #5: Theft</b></p> <p>Lounge furniture in a student room</p> <p>Possession of traffic sign (stop, yield, etc.)</p>	<ul style="list-style-type: none"> <li>1 semester disciplinary probation</li> <li>Educational intervention(s)</li> <li>4 semesters disciplinary probation</li> <li>Educational intervention(s)</li> <li>Restitution if</li> </ul>



## Rule #7: Intentionally or recklessly destroying or damaging property

Typical behavior	Typical sanctions
<p><b>Rule #7: Damage</b> Damage in a residence hall or public space</p>	<p><b>In general, a sanction for damage will include:</b> A period of disciplinary probation Restitution Educational intervention(s)</p> <p>However, there is a broad range of behaviors</p> <p>Proposed sanctions reflect guidelines for typical <b>minor</b> damage. Sanctions should reflect the severity of the damage.</p> <p>For instances of <b>major</b> damage, loss of access to facilities and/or loss of housing and suspension may be considered.</p> <p>Note: students should expect enhanced sanctioning if the incident is the result of alcohol intoxication or drug impairment.</p>

## Rule #8: Endangering, threatening or causing physical harm to any person or causing reasonable apprehension of such harm.

As an academic community, Binghamton University is unequivocally committed to fostering an environment in which community members can feel personally safe and emotionally secure. The presence of violent behaviors or activities are diametrically contrary to institutional goals and are to be vigorously opposed in their myriad forms. In consideration of the broad range of behaviors that could qualify as “violence,” it is impossible to construct a set of specific sanctions to cover every possibility.

Instances of violence will be considered on an individual basis. However, since community safety is a principal concern for Binghamton University, most cases involving violence or threats of harm to others are considered serious enough to warrant a period of separation from the University.

If a student is deemed to be responsible for such a violation, appropriate sanctions will be based on the specific facts of the case, the student’s intent, any aggravating or mitigating factors, and the student’s prior disciplinary record.

Decisions will be affected by the amount of harm done to others and the degree to which the behavior was intentional or irresponsible.

In general, a sanction for violence or harm to other will include:

## **Violence and alcohol**

Students are held accountable for their behavior while intoxicated and for any violations of the alcohol or other drugs policy. Sanctions for violence may be enhanced if alcohol or other drugs are involved.

## **Aggravating factors**

In cases of physical violence or threatening harm to another member of the community, aggravating factors may include whether or not the student responsible was substantially motivated by the victim's race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, disability, or military/veteran status. Another aggravating factor is the charged student's disciplinary history.

## **Sanctioning**

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Loss of visitation to all residential areas  
Note: students should expect enhanced sanctioning if the incident is a result of alcohol intoxication or drug impairment or is bias related.

## Rule #9: Stalking

Typical behavior	Typical sanctions
<p><b>Rule #9: Stalking</b></p> <p>Engaging in a course of conduct likely to cause distress or emotional or physical discomfort <i>without</i> the threat of physical injury</p> <p>Engaging in a course of conduct likely to cause distress, or emotional or physical discomfort <i>with</i> the threat of physical injury — <i>isolated threat</i></p>	<p><b>First offense:</b></p> <ul style="list-style-type: none"> <li>2 semesters disciplinary probation</li> <li>Educational intervention</li> <li>Loss of contact with victim</li> <li>Relocation if appropriate</li> <li>Loss of visitation to appropriate area</li> </ul>

### #9: Stalking

Repeated instances of engaging in a course of conduct likely to cause distress, or emotional or physical discomfort *without* the threat of physical injury.

Repeated instances of engaging in a course of conduct likely to cause distress, or emotional or physical discomfort *with* the threat of physical injury — *isolated threat*

Engaging in a course of conduct likely to cause injury, distress, or emotional or physical discomfort *with* the threat of physical injury — *repeated intentional threats*

Stalking (the obsessive pursuit of an individual in a menacing manner that evokes fear in the person)

### First offense:

Final probation to suspension

## Harassment/Sexual and Dating Violence

### Rule #10: Harassment

Typical behavior	Typical sanctions
<p><b>Rule #10: Harassment</b></p> <p>Non-sexual harassment wherein one engages in behavior with no legitimate purpose other than the intent to annoy or alarm another person.</p> <p>e.g. cyberbullying or non-discriminatory harassment in person</p>	<p>2 semesters disciplinary probation to suspension</p> <p>Note: a consistent or repetitive pattern of behavior may result in increased sanctions.</p>

### Rule #11: Sexual harassment

Consult with the Office of Student Conduct.

### Rule #12: Domestic violence or dating violence

Students found responsible for dating or domestic violence should be prepared to face suspension or expulsion. Where the facts and circumstances justify mitigating to a lesser sanction of probation, students may also be subject to the following to promote the University's educational mission and to minimize disruption to the campus community:

Required educational activities appropriate to the facts and circumstances of the case

Required limitations on campus activities, including limited access to specific facilities or areas of the campus, adherence to the terms of "No Contact" orders, and other restrictions appropriate to the circumstances





Possession of martial arts weapons

Possession of knives (gravity knife, hunting knife, lock blades, daggers, switchblade, butterfly knife or any other knife used as a weapon)

Educational intervention(s)

Relocation if appropriate

Removal from University housing if



lab or construction zone	Loss of visitation to location if appropriate
<p><b>Rule #16: Unauthorized Entry/Keys</b>  Entering a residence hall without being an invited guest of or accompanied by a current resident of hall</p>	<p>2 semesters disciplinary probation  Loss of visitation privileges to building for 1 year  Educational intervention(s)  Note: students should expect enhanced sanctioning if the incident is the result of alcohol intoxication or drug impairment</p>
<p><b>Rule #16: Unauthorized Entry/Keys</b>  Entering someone’s room unwanted and without permission  Sanctioning considerations include:  Intent  Impact on the individual whose room was entered  Actual harm caused</p>	<p>4 semesters disciplinary probation  Educational intervention(s)  Relocation if appropriate  Loss of visitation to appropriate area</p>
<p><b>Rule #16: Unauthorized Entry/Keys</b>  Forcing entry past person  Forced entry into building/room through window or door</p>	<p>4 semesters disciplinary probation  Educational intervention(s)  Restitution if appropriate  Relocation if violation occurs in student’s residence hall</p>

**Rule #18: Failure to identify oneself, upon request, to University officials acting in performance of their duties.**

Typical behavior	Typical sanctions
<b>Rule #18: Failure to Identify Oneself</b> Failing to show ID when requested to do so	1 semester disciplinary probation Educational intervention(s)

**Rule #19: Disorderly or disruptive conduct that interferes with the normal operations of the University or infringes on the rights of others.**

Typical behavior	Typical sanctioning
<b>Rule #19: Disorderly Conduct</b> Disrupting a class room Blocking access to a roadway, office, or building  Sanctioning considerations include: Level of disruption Impact on the learning environment Duration of disruption Safety concerns	Consult with the Office of Student Conduct

**Rule #20: Providing false or misleading information, including false identification, to the University or any University official.**

Typical behavior	Typical sanctions
<b>Rule #20: False Information</b> Lying to staff during a confrontation	1 semester disciplinary probation Educational intervention
<b>Rule #20: False Information</b> Lying on an application Lying to a University official	Office of Student Conduct will determine sanction in consultation with appropriate office
<b>Rule #20: False Information</b> Lying during a student conduct hearing	2 semesters disciplinary probation Educational intervention



**Rule #22: Fire Safety**

Recklessly playing with fire (flaming shots, igniting flammable liquids or aerosols) *without* damage

Accidentally starting a fire in a building *without* damage

4 semesters disciplinary probation  
Educational intervention(s)

highly personal and widely distributed Expulsion should be considered for cases where the distribution involves some form of personal gain (monetary or otherwise) or extortion	Removal from all University housing Loss of visitation to all residential areas
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**Rule #24: Violating any disciplinary sanction-imposed accordance with the *Code of Student Conduct*.**

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**Rule #25: Taking an excessive number of copies of a campus newspaper, magazine or other publication in a way that interferes with the open distribution of that material.**

Typical behavior	Typical sanctions
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**Rule # 28: Violations of any Federal, State or Local law**

Typical Behavior	Typical sanctions
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**Rule #28: Federal, State, Local Law**

Persons 21 and over possessing open containers and/or consuming alcohol outside of rooms, suites, apartments, licensed dining facilities, or at registered events

