STUDENT CONDUCT
PARTICIPANT’S GUIDE

for students involved in the Binghamton University conduct process for allegations of sexual assault, sexual harassment, domestic violence, dating violence and stalking
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Introduction

Addressing allegations of sexual violence can be a stressful process for all parties involved. This guide is provided to help students understand and navigate the Binghamton University conduct process. This guide is meant to provide an overview of what students can expect in most cases of allegations of sexual assault, sexual harassment, domestic violence, dating violence and stalking. It is not intended to cover every detail and question that may arise for a specific case. Staff in the Office of Student Conduct is available to help students with additional questions or case specifics. Please contact the office at 607-777-6210 or conduct@binghamton.edu to discuss the specifics of your case.

In this guide, we describe the parties involved as follows:

- **Claimant**: The victim, survivor or person against whom the alleged violation was committed
- **Respondent**: means any student accused of violating the Code of Student Conduct
- ** Witness**: anyone with direct information regarding the allegation
- **Advisor**: any person identified by a student to support or assist them through the student conduct process. Advisors may not directly participate in the process.

The flow chart on page 2 is intended to provide an overview of the steps involved in the conduct process. The University strives to resolve complaints within 60 days of the date on which the complaint is received. The timeline for resolving a complaint may vary for a variety of reasons including, but not limited to, the complexity of the case, requests made by either party, the criminal processes and the nature of the academic calendar (for example, breaks and vacation periods). In the event of a delay, both the claimant and respondent will be notified.

Important Note About Confidentiality

The Office of Student Conduct is a *private*, and not a *confidential* reporting option. When the Office of Student Conduct receives a report of sexual assault, sexual harassment, domestic violence, dating violence or stalking, we are required to report the incident to the University’s Title IX Coordinator. Every effort will be made to maintain the privacy of any student involved in the grievance process. Information shared will be limited to information needed for investigation, safety and appropriate follow up.

See Reporting Resources for a complete list of both confidential and private reporting options within the University.
# Student Conduct Process for Cases Involving Sexual Assault, Sexual Harassment, Domestic Violence, Dating Violence and Stalking

## Report is Filed
- Reports may come from any source including survivors, friends, faculty, staff, University Police

## Intake Meeting with Conduct Staff member
- May bring a supporter/advisor
- Discuss resources and options
- Discuss interim measures, accommodations
- No contact orders may be requested or put in place

## Investigation Begins
- By trained investigator(s)
- Parties and witnesses interviewed
- Students can submit documents and information
- Both parties review their statements and can provide comments

## Investigative Report
- Investigative report is a narrative written by the investigator(s)
- Investigative report is shared with both parties in its entirety

## Decision Regarding Next Steps
- An assessment is made by the Office of Student Conduct if there is sufficient information to move forward based on preponderance of evidence
- Both students informed of decision

## Allegation and Offer
- Allegation and Administrative Agreement (AA) shared with both parties
- Respondent admits responsibility and signs AA (48 hours to decide) – resolved
- If respondent denies responsibility or refuses sanctions – go to conduct hearing
- No response – go to conduct hearing
- Hearing notice (min. 5 days)

## Conduct Hearing
- Three trained panelists (may include administrators and students)
- Accommodations can be made to keep parties separated.
- Hearing conducted in two parts: findings and sanctioning

## Conduct Hearing: Findings
- Decision regarding responsibility based on preponderance of the evidence
- After panel deliberation, both parties notified of outcome
- If responsible, parties return and sanctioning phase begins (may be next day)
- If not responsible, charge is dismissed (may go to appeal)

## Conduct Hearing: Sanctioning
- Both parties may provide character and impact statements
- Factors considered may include nature and circumstances of violation, prior record of respondent, safety concerns, incident aggravating or mitigating factors.
- Sanctions – suspension or expulsion

## Notification of Outcome
- Both parties notified simultaneously and in writing
- Appeal may occur

## Panel Appeals
- Either party may appeal decision or sanction
- Appeals submitted within 10 days of date of decision letter
- If either party appeals, other party is notified
- Appeal decided by a trained panel

## Administrative Appeals
- Either party may appeal panel’s decision or sanction
- Appeals submitted within 10 days of date of decision letter
- If either party appeals, the other party is notified
- Appeal decided by Vice President for Student Affairs or designee

## Panel Appeals (continued)
- Decisions normally rendered within 10 days
- Grounds for appeal:
  - Finding that student violated Code of Student Conduct
  - Sanction imposed
  - Specified procedural error

## Administrative Appeals (continued)
- Decisions normally rendered within 10 days
- Decision is final
- Grounds for appeal:
  - Finding that student violated Code of Student Conduct
  - Sanction imposed
  - Specified procedural error
Sexual assault, sexual harassment, domestic violence, dating violence and stalking are all prohibited under University policy. Sexual misconduct can occur between strangers or acquaintances, including between people involved in an intimate or sexual relationship. An acknowledged previous or subsequent relationship provides context for the nature of the communication between the students involved; the existence of a relationship does not relieve or mitigate the charged student’s responsibility for engaging in sexual activity without consent. Sexual misconduct can be committed by anyone, regardless of gender, and can occur between people of the same or different sex or gender.

**Examples of Sexual Misconduct**

- Pressure for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging or massaging
- Pressure for or forced sexual activity
- Unnecessary and unwelcome references to various parts of the body
- Belittling remarks about a person’s gender or belittling remarks about a person’s sexual orientation based in gender-stereotyping
- Inappropriate sexual innuendoes or humor
- Videotaping and photographing sexually explicit images of others without consent
- Obscene gestures of a sexual or gender-based nature
- Offensive sexual graffiti, pictures or posters
- Sexually explicit profanity
- Use of e-mail, the Internet or other forms of digital media to facilitate any of the above referenced behaviors

**Examples of Stalking**

- Pursuing or following someone
- Unwanted communication or contact after being told to cease the contact. This can be face-to-face, by telephone calls, voice messages, e-mail or texting
- Unwanted gifts as part of a pattern of behavior
- Trespassing, appearing in person, calling or initiating communication or contact at a person’s place of employment
- Surveillance of someone

**Examples of Dating and Domestic Violence**

- Hitting, slapping, punching, pinching or shoving someone with whom you are or have been in a dating relationship
- Threatening a dating partner with harm
Definitions
(all can be found in the 2015-16 Code of Student Conduct)

**Stalking** means intentionally and for no legitimate purpose engaging in a course of conduct (two or more acts by which the stalker directly, indirectly or through third parties follows, monitors, observes, surveils, threatens or communicates about a person or interfere with his or her property) directed at a specific person and which one knows or should reasonably know is likely to cause a reasonable person to fear for his or her safety or the safety of others or causes that person to suffer substantial emotional damage.

**Sexual Violence** means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion.

**Sexual Harassment** means gender-based, verbal, non-verbal or physical conduct that is sexual in nature and sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in, or benefit from, the University’s educational program and/or activities, and is based on power differentials, the creation of a hostile environment or retaliation.

**Rape** means sexual intercourse with a person: that is forced, manipulated or coerced through use of verbal coercion, intimidation (emotional and/or physical), threats, physical restraint, and/or physical violence; and/or where no affirmative consent was given.

**Sexual Assault** means a physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape” (including what is commonly called “date rape” and “acquaintance rape”), fondling, statutory rape and incest. For statutory rape, the age of consent in New York state is 17 years old.

**Dating Violence** means any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim’s statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

**Domestic Violence** means any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim or a person cohabitating with the victim as a spouse or intimate partner.
**Affirmative Consent** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.”

a. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

c. Consent may be initially given but withdrawn at any time.

d. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

When consent is withdrawn or can no longer be given, sexual activity must stop.

**Sexual Act** means contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus; the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade or arouse, or gratify the sexual desire of any person; or the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade or arouse, or gratify the sexual desire of any person.

**Jurisdiction**

Incidents involving endangering behavior (including violent assault, rape, and other serious offenses that constitute a threat to the personal safety of others) may be addressed under the University’s Code of Student Conduct even when the behavior occurs off campus, including when participating in study abroad programs. For a complete explanation see [Code of Student Conduct](#).
Where to File a Report

There are multiple places within the University where a student may file a complaint of sexual misconduct or violence including the Dean of Students Office, University Police, Residential Life, the Office of Student Conduct, the University’s Title IX Coordinator and others. Once a staff member in any of these offices receives a report, they must share the information with the University’s Title IX Coordinator.

Students wishing to make a confidential report may speak with the University Ombudsman or clinical staff in either the Health or Counseling Center. Clergy are also a good option for confidential reporting.

See Reporting Resources for a complete list of both confidential and private reporting options within the University.

The University also encourages students to report crimes to local law enforcement and/or find support from off campus agencies such as the Crime Victims Assistance Center.

What to Expect when a Report is Received in the Office of Student Conduct

When the Office of Student Conduct receives a complaint, the Title IX Coordinator will be notified and an investigation may be launched. The University strives to have a balanced, fair and transparent grievance process that provides an opportunity to gather facts and make appropriate decisions. Students involved in the process will have equal opportunity to present relevant witnesses and information and to obtain assistance from the advisor of their choice, at any stage in the proceedings. Both parties will be notified of the outcome of any subsequent student conduct hearing simultaneously and in writing and will have equal opportunity to appeal. If an appeal is filed, both parties will also be notified, in writing, of the outcome of the appeal.

When the claimant does not wish to move forward with the formal process, their wishes will be given full consideration. In such cases, the University’s ability to investigate and respond to the allegations may be limited.

When considering a request not to move forward, the University will weigh the request in light of community and personal safety considerations and the University’s commitment to provide a reasonably safe and non-discriminatory environment. In situations where the University becomes aware of a pattern of behavior, by one or more respondents, the University will take appropriate action in an attempt to protect the University community.

In cases where the report to the Office of Student Conduct is received from a third party (e.g., friend, faculty member, residential life staff member, University Police, etc.), the claimant will be notified that a report has been received. Before an investigation is begun, every effort will be made to meet with the claimant to discuss her/his options and resources within the University and local communities.
In all cases, individuals participating in an investigation or hearing are encouraged to maintain the privacy of the process in order to assist the office in conducting a thorough, fair, and accurate investigation. In accordance with the Code of Student Conduct, students who are requested to provide testimony are expected to participate.

**Retaliation**

Retaliation against any person involved in the investigation, including the claimant, respondent, witnesses, hearing board members or the investigators, is strictly prohibited and may result in disciplinary action. The University defines retaliation as any adverse action taken against an individual who has participated in any manner in an investigation, proceeding or hearing. Reports of retaliation should be directed to the Office of Student Conduct and/or the Title IX Coordinator. All reports of retaliation will be reviewed for possible charges under the Code of Student Conduct and/or administrative action.

**Disability Accommodations**

Students who have a disability that impacts their ability to effectively participate in the student conduct process, should contact the Office of Student Conduct to discuss appropriate accommodations.

**Support**

Any student involved in the student conduct process often needs additional academic and emotional support. There are a number of places within the University community where students can find support. A list of available resources can be found at Reporting Resources.

Involving parents in the process can also be a valuable means of support. Students going through the grievance process are encouraged to talk things through with their parents and/or other trusted advisors.

**Advisors**

An advisor is any person identified by a student to support or assist them through the student conduct process. Any party may be accompanied by an advisor at any point in the process; however, advisors are not permitted to speak or to directly participate in the proceedings.

Examples of people who students have used as advisors in the past include University faculty or staff, parents, friends, the student association Student Advocates, and personal attorneys.
Students who may be facing legal proceedings are advised to consult an attorney about legal proceedings and the University process. The OCC Legal Clinic provides free legal advice for any Binghamton University student. The legal clinic is on first come-first served basis. For more information visit binghamton.edu/occ/legal.html.

**Timeframe**

The University does not limit the timeframe for filing a report. Reports can be submitted at any time following an incident. However, the University’s ability to take action may be limited by the matriculation status of the respondent and/or the availability of information.

When a report is received, every effort will be made to reach a resolution within sixty (60) days after the receipt of the initial report. Timelines may vary depending on the details of the case and during certain periods of the academic year (e.g. during break periods, final exams, etc.). If there are criminal charges pending, it may become necessary to temporarily delay a campus investigation to avoid interference with the criminal investigation. Such delays will usually be short in duration (1-10 days). Requests to delay the campus process until the conclusion of the criminal process will likely not be granted. When a delay occurs, both parties will be notified in writing.

**Investigation**

The specific steps of an investigation will vary depending on a variety of factors including the nature of the allegations, nature of the incident, specificity of the information, objectivity and credibility of the source, whether individuals can be identified, and whether individuals want to pursue the matter.

Reports will be investigated in an unbiased, thorough and prompt fashion. In most cases, following the receipt of a report, the respondent will be notified that a report has been filed. As part of the hearing notification process, respondents will be given written notice of the allegations. The notice typically includes date, time and location of both the incident and the hearing, and the name of the claimant, along with the University policies that are alleged to have been violated.

A trained investigator will meet individually with both parties and any witnesses to explain the process and conduct interviews. Witnesses whose sole purpose is to provide character information will not be interviewed. The investigator will also gather any pertinent documentation materials. Upon conclusion of the investigation, the investigator will prepare a report detailing the relevant content from the interviews and the documentation materials gathered. Both parties will be given an opportunity to review and make comments to their own statements. Upon conclusion of the investigation both parties will receive a copy of the full report.
Following the conclusion of the investigation, the Office of Student Conduct will decide whether to proceed to the administrative agreement (see below) phase and both parties will be informed of this decision. This decision will be based on whether enough information exists to support the allegation. If there is not enough information to support the allegation, the conduct process will be concluded at this point.

**Administrative Agreement**

If the Office of Student Conduct believes the information gathered indicates a possible policy violation may have occurred, the respondent may be offered an administrative agreement detailing the specific charges and sanctions. By signing an administrative agreement, the respondent waives their right to a hearing and appeal by admitting responsibility and agreeing to the sanctions in the agreement. Students are typically given 48 hours to consider the agreement and decide whether they want to sign it.

When the administrative agreement is offered, the respondent may also be given a formal letter outlining the allegations and notifying the student of the date, time and location of the hearing that will take place should they not sign the Administrative Agreement. Other pertinent information related to the hearing will also be provided. Students will be given a minimum of five (5) days advance notice of the hearing.

All information relating to the administrative agreement and hearing provided to the respondent will also be provided to the claimant.

**Hearing**

Every effort will be made to convene a hearing board as soon as practical following conclusion of the investigation — ideally within thirty (30) days after the receipt of the initial report. Whenever possible, the claimant and respondent will be given at least five (5) days notice to prepare for the hearing. The hearing is a closed proceeding, meaning that only those who have a direct role in the hearing (i.e. claimant and respondent and their advisors, witnesses and the investigator) are permitted in the hearing room during the hearing.

The hearing board is composed of three (3) voting members and may include a non-voting chair. Board members are chosen from a pool of specially trained members of the University community and may include faculty, staff and students. When included, the non-voting chair may be a member of the University community, outside consultant and/or an attorney licensed to practice in the State of New York who is trained in the Code and relevant sources of law (e.g., rape shield law). The Office of Student Conduct will also assign an individual to serve as the advisor to the board.
**Hearing Procedures**

Prior to the hearing, the board will have the opportunity to thoroughly review the investigative report and all documentation submitted by the investigator and involved parties.

The general course of the hearing will be as follows, whenever possible:

- Investigator statement summarizing the investigative process and findings
- Claimant statement (optional)
- Respondent statement (optional)
- Questions by the hearing board
- Witness participation as deemed appropriate by the board
- Closing statement by claimant (optional)
- Closing statement by respondent (optional)

The board may impose time limits on any stage of the procedure, including, but not limited to the duration of breaks. The board may determine the relevance of and may place restrictions on any witnesses or information presented. When the claimant or respondent is not able to be present for the hearing, or to honor requests for separation of the parties, arrangements will be made for either or both parties to participate via alternate/electronic means (e.g. conference call, Skype or other form of video conferencing, closed circuit television, etc.).

In cases where the respondent and/or claimant do not appear for or participate in an already scheduled hearing, students should expect the hearing to proceed as scheduled. The director of student conduct or designee makes decisions regarding the rescheduling of a hearing.

**Hearing Board Findings**

At the conclusion of the hearing the board goes into a closed deliberation to decide the outcome. Findings are based on the preponderance of the evidence standard. Votes by the student conduct board are by simple majority. When the board reaches its decision, both parties will be notified of the decision. If the respondent is found responsible, the hearing reconvenes and moves into the sanctioning phase. Whenever possible this will occur on the same day. However, when circumstances warrant, it may be moved to another day. The general course of the sanctioning phase of the hearing will be as follows, whenever possible:

- Statement from the Claimant (optional)
- Statement from the Respondent (optional)
- Questions from the board
- Information from others as deemed necessary by the board
Both parties may provide the board with character statements, though character witnesses will not be needed in person at the hearing. The board will not generally accept statements aimed at defaming the character of the other party. The board may also set limits as to the number of statements they will consider.

Upon conclusion of the sanctioning phase of the hearing, the board will go into a closed deliberation to decide sanctions. The board will complete a summary report of its findings and forward them to the Office of Student Conduct. The director of Student Conduct or designee certifies that the sanction(s) is appropriate based on the sanctioning guidelines. The director or designee will recommend necessary adjustments to ensure that sanctions are appropriate.

Both parties will be notified, in writing, of the hearing outcome including sanctions and the rationale for the board's decision. This notification will be sent to both parties simultaneously and within 24 hours of finalizing the board's decision. The notification will include the board's decision and pertinent information regarding the appeal process.

### Possible Outcomes/Sanctions

As an academic community, Binghamton University is unequivocally committed to fostering an environment in which community members can feel personally safe and emotionally secure. Sexual assault, sexual harassment, domestic violence, dating violence or stalking are diametrically contrary to the institutional goals, and are vigorously opposed in their myriad forms.

For a more complete explanation and listing of sanctions, see the [Code of Student Conduct](#).

For cases in which students are found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal. Students found responsible for engaging in sexual assault or who are found responsible for repeated sexual misconduct should be prepared to be expelled. Where the facts and circumstances justify mitigating to a lesser sanction of suspension, students found responsible may also be subject to the following:

- 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
- Change in living situation or restricted access to campus

Failure to comply with stated conditions of a disciplinary sanction might result in further disciplinary action, including permanent expulsion from the University.

Sanctions for students involving domestic violence, dating violence or stalking 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 effected by the amount of harm done to others and the degree to which the behavior was intentional or irresponsible.
The Appeals Process

Both parties have the right to appeal the hearing board’s decision. An appeal must be submitted to the Office of Student Conduct in writing, by the appealing party within ten (10) days after receiving notification of the hearing outcome. If either party appeals, the other will be notified and given opportunity to submit a written statement. Failure to appeal within the allotted time will render the original decision final and conclusive.

The appeals process is an administrative process and in most cases students will not be asked to appear before the appeals panel or the appellate officer. Appeals are decided on the record of the original proceedings and upon written materials submitted by both parties. An appeal is not a rehearing of the case. Both parties will be notified of the outcome of the appeal simultaneously and in writing. Either party may appeal the decision of the Appeals Panel. Appeals of panel decisions are decided by the vice president for student affairs or associate vice president/dean of students. Appeal decisions of the vice president or associate vice president/dean of students will be made utilizing the same standards used by the appeals panel. Decisions of the vice president or associate vice president/dean of students are final and there is no further appeal.

For more detailed information regarding the appeal process consult the Code of Student Conduct.

Student Rights in the Conduct Process

All students participating in the student conduct process, involving allegations of sexual assault, sexual harassment, domestic violence, dating violence or stalking are afforded the following rights:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Code of Student Conduct;

- The right to a prompt response to any complaint. The right to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence and stalking.

- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
• The right to receive advance written or electronic notice of the date, time and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.

• The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay.

• The right to offer evidence during an investigation and to review available relevant evidence in the case file or otherwise held by Binghamton University.

• The right to present evidence and testimony at a hearing where appropriate.

• The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.

• The right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in the college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking or sexual assault may be admissible in the disciplinary stage that determines sanction.

• The right to ask questions of the decision maker and, via the decision maker, indirectly request responses from other parties and any other witnesses present.

• The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

• The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction and the rational for the decision and any sanctions.

• The right to written or electronic notification about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.

• Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.

• The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five (5) years.

• The right to choose whether to disclose or discuss the outcome of a conduct hearing.

• The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
• To be notified, in writing, of the case resolution — including the outcome of any appeal.
• To report the incident to law enforcement.
• To be informed that information collected in this process may be subpoenaed in criminal or civil proceedings.
• To be provided alternate methods of participating in the hearing if needed.

**Record Retention Policy**

• Records of expulsion are not destroyed.
• Records of hearings for cases involving domestic violence, dating violence, stalking or sexual assault will be maintained for five years from the date of the hearing regardless of the outcome of the hearing.
• In accordance with NYS Law and SUNY Guidance, for crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), (crimes covered under the legislation that require a transcript notation are: murder; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson.) a notation will be placed on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, a notation will be made on the transcript that they “withdrew with conduct charges pending.” Appeals seeking removal of a transcript notation for a suspension should be submitted, in writing, to the associate vice president/dean of students. Such notation shall not be removed prior to one year after conclusion of the suspension. Notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

For complete and more detailed information regarding the record retention policy consult the Code of Student Conduct.

**Reporting Resources**

Binghamton University has many resources available on campus that will provide a supportive environment for students to address various concerns and receive assistance. All offices listed below can provide students with information about available resources, located on and off campus, and available reporting options. Students at Binghamton will be treated with respect and dignity in each and every office. Students may access the offices listed below by visiting the office in person, by phone or by e-mail during traditional business hours. The University Police Department, Harpur’s Ferry and off campus resources listed are available 24 hours, 7 days a week. It is important to note that e-mail is not guaranteed to be confidential.
## Confidential Resources Available On Campus

Confidential: Information remains with the student and the source. Source is not obligated to report to the Title IX Coordinator or anyone else unless there is imminent concern for safety.

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<tr>
<th>Organization</th>
<th>Description</th>
<th>Contact</th>
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| **University Ombudsman**              | Provides independent, confidential, informal and impartial assistance to the campus community. The University Ombudsman assists individuals and groups in the management of conflict and the resolution of problems. | Contact: Bathabile Mthombeni  
Phone: 607-777-2388  
Location: LS-G526  
[binghamton.edu/ombudsman](http://binghamton.edu/ombudsman) |
| **Harpur’s Ferry**                    | 24/7 student-run ambulance service that can transport students from on- and off-campus locations to a local hospital for emergency and non-emergency needs and perform any pre-hospital care as needed. | Emergency: 911 and 607-777-3333  
[harpursferry.org](http://harpursferry.org) |
| **Counseling Center**                 | Provides confidential individual and group counseling and outreach. Follow-up counseling is offered and referrals to campus or community resources, as needed. | Phone: 607-777-2772  
Location: OO-264  
[binghamton.edu/counseling](http://binghamton.edu/counseling) |
| **Decker Student Health Services Center** | Provides supportive, confidential nursing, physical, emotional and psychiatric medical care. Evaluation and treatment of sexually transmitted illnesses, including HIV (with free rapid HIV testing at the DSHSC), is available. | Phone: 607-777-2221  
Location: Decker Student Health Services Center  
[binghamton.edu/health](http://binghamton.edu/health) |

## Confidential Resources Available Off Campus

<table>
<thead>
<tr>
<th>Organization</th>
<th>Description</th>
<th>Contact</th>
</tr>
</thead>
</table>
| **Crime Victims Assistance Center (CVAC)** | Provides free counseling to individuals affected by a crime, 24 hour crisis line and advocacy services. | 24-hour Hotline: 607-722-4256  
Text Line: 607-725-8196  
Location: 377 Robinson St., Binghamton, N.Y.  
[cvac.us](http://cvac.us) |
| **Rise, formerly known as the SOS Shelter** | Assists individuals and families who experience, or are threatened with domestic violence. Shelter and supportive services available for women and children. | 24-hour Hotline: 607-754-4340  
E-mail: Info@Rise-Ny.Org  
Location: Endicott, N.Y.  
[rise-ny.org](http://rise-ny.org) |
| **Local Hospitals and Crisis Center** | UHS Wilson Medical Center  
UHS Binghamton General Hospital  
Lourdes Hospital  
Crisis Center | Phone: 607-763-6611  
Phone: 607-762-2231  
Phone: 607-798-5231  
Phone: 607-762-2302 and 607-762-2458 |
| **National 24-hour Crisis Lines and Online Resources** | RAINN—Sexual Violence Hotline  
National Domestic Violence Hotline  
National Suicide Prevention Hotline  
Trevor Lifeline Project (LGBTQ)  
Love is respect | Phone: 800-656-HOPE (4673)  
Phone: 800-942-6906  
Phone: 800-273-TALK (8255)  
Phone: 866-488-7386  
[loveisrespect.org](http://loveisrespect.org) |

RAINN—Sexual Violence Hotline  
National Domestic Violence Hotline  
National Suicide Prevention Hotline  
Trevor Lifeline Project (LGBTQ)  
Love is respect
### Private Resources Available On Campus

<table>
<thead>
<tr>
<th><strong>Private: Source may be obligated to report known names and facts to the Title IX Coordinator. The University may take action.</strong></th>
</tr>
</thead>
</table>

| **University Police Department (UPD)** | Provides police services 24/7 — emergency and non-emergency, and links to other resources. UPD is available to meet with students where they are most comfortable. Reports can be initiated via phone or website, but will be followed up in person. | Emergency: 911  
Non-emergency: 607-777-2393  
Location: AD-G35  
Anonymous report: binghamton.edu/police/emergency.html binghamton.edu/police |
|---|---|---|

| **Title IX Coordinator** | Charged with ensuring University compliance to Title IX; that the University addresses and prevents sexual violence, retaliation and promotes an environment safe for learning and living. | Contact: Andrew Baker  
Phone: 607-777-2486  
Fax: 607-777-6949  
E-mail: abaker@binghamton.edu  
Location: LS-G514 binghamton.edu/diversity-equity-inclusion/complaints.html |
|---|---|---|

| **Dean of Students (DOS)** | Multiple offices and staff provide support for student success on- and off-campus by providing various programs and services designed to enhance academic and personal success. | Contact: Beth Riley, MA, LMSW  
Phone: 607-777-2804  
E-mail: dos@binghamton.edu  
Location: UUW-204 |
|---|---|---|

| **Case Management and Advocacy** | Provides private support, advocacy, case management and referrals to assist students with their concerns. | Dean of students website: binghamton.edu/dean-of-students  
Case manager website: binghamton.edu/dean-of-students/case_manager/ |
|---|---|---|

| **Office of Student Conduct** | Provides information and processes grievances through the student conduct process. An investigation will be launched to determine if student conduct charges are warranted and may include a formal University hearing. | Phone: 607-777-6210  
E-mail: conduct@binghamton.edu  
Location: TU-3J binghamton.edu/student-conduct |
|---|---|---|

| **Residential Life** | Provides information about available resources and supports and may assist students with contacting UPD, if the student chooses. Staff is obligated to inform their supervisor that a report was made and assist in coordinating University response. | Phone: 607-777-2322  
E-mail: reslife@binghamton.edu  
Location: TU-213 binghamton.edu/residential-life |
|---|---|---|

| **Interpersonal Violence Prevention (IVP)** | Provides support, preventative education and outreach to students about relationships, resources on- and off-campus. | Phone: 607-777-3062  
E-mail: IVP@binghamton.edu  
Location: UUW-204 binghamton.edu/IVP |
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**For additional copies of this booklet, please contact:**

**Office of Student Conduct**
**Division of Student Affairs**
**Binghamton University**

607-777-6210