suspension. University Police will assist the protected person by effecting an arrest if the respondent violates an Order of Protection, or, if outside New York State or the University Police jurisdiction, will call on and assist local law enforcement in effecting an arrest for violation of an order.

- University Police has a confidential Crime Tip online reporting form which can be accessed at: https://www.brockport.edu/support/university_police/

Note: The Family Educational Rights and Privacy Act (FERPA) allows institutions to share information with parents when: (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents’ prior year federal income tax return. Generally, the College will not share information about a report of sexual violence with parents without the permission of the complainant/victim/survivor.

PART F: RESPONDENTS’ RIGHTS

See section 5, above, Students’ rights when charged with a violation.

PART G. PROCEDURES FOR SEXUAL/GENDER BASED DISCRIMINATION AND INTERPERSONAL VIOLENCE MISCONDUCT

A. Meeting with the Parties/Interim Measures

1. The Complaint/Report. A complaint or report (“report”) of Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct may be filed with the Title IX coordinator, the Student Conduct Office, University Police, or appropriate law enforcement agency. The College official may request the complainant provide the report in writing. A student may make a report against another student, an employee, a student organization, or a third party. In some circumstances, the College may proceed without a complainant. The procedure the College uses to address these reports may vary, depending on who the report is against.

2. Initial Meeting with Complainant. The College official will schedule a meeting with the complainant and their advisor to:
   a) Identify immediate support services, interim measures, and resources.
      i. Immediate services/resources may include, but are not limited to, medical and counseling services by referral to the Student Health Center and the Counseling Center at Hazen Center for Integrated Care, local hospitals (referenced above); RESTORE (sexual assault crisis services); Willow Domestic Violence Center (support for victims of intimate partner violence and stalking); no-contact order with the respondent; referral to University Police; and offering of safe rides. (Students can call (585) 395-SAFE (7233) or pick up any blue-light phone and a University Police Officer or members of the student patrol will respond quickly to escort students to their cars or residence halls, any time.)
      ii. Other supportive measures that may be offered include academic support, change in housing and/or employment, room lock change, and measures to ensure the complainant’s overall health and safety.
   b) Inform the complainant of their rights and the College’s process for addressing their report of Sexual/Gender Based Discrimination and Interpersonal Violence;
   c) Inform the complainant of the Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases;
   d) Encourage the complainant to report any and all forms of retaliation by the respondent(s) and/or their associates to the Title IX coordinator or designee;
   e) Complete the Complainant Acknowledgement form with the complainant; and
   f) Discuss the Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct resolution procedures with the complainant, which include: i) Informal resolution (mediation or restorative conferencing) through the student conduct system; and ii) Formal resolution which may include an administrative or board hearing through the student conduct system. [Note: Mediation will not be used to resolve reports of sexual violence, and
administrative hearings will not be used to resolve reports of non-consensual sexual intercourse.] The Title IX coordinator will seek input from the complainant to determine if they want to proceed with either formal or informal resolution.

3. **Initial Meeting with Respondent.** The College official will schedule a meeting with the respondent and their advisor to: a) review the student conduct procedures; b) review the respondent’s rights; and c) identify immediate interim measures or support that may be needed, including a) medical and counseling services by referral to the Student Health Center and the Counseling Center at Hazen Center for Integrated Care; b) medical services at local hospitals (referenced above); c) no-contact order with the complainant; and d) academic support. This meeting may also involve a discussion of any interim measures that may be appropriate, concerning the respondent’s overall health and safety, housing, and/or employment. The respondent will also be informed that any threat of retaliation by the respondent or third parties, including, friends, witnesses, family members, or associates, toward the complainant or third parties associated with complainant, including, friends, witnesses, family members, or associates, will not be tolerated, and may subject the respondent and their associates to being charged with retaliation.

4. **Interim Measures.** In all cases of reported Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct, the College will undertake an appropriate inquiry and take prompt and effective action, where necessary, to support and protect the complainant, including taking appropriate interim steps before the final outcome of the investigation and hearing. The College will also take action to support the respondent.
   a. The student conduct official may impose a “no-contact” order, consistent with College policy, which generally includes a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, pending the investigation and outcome of the case. It is the responsibility of the person against whom the no contact order is issued to stay away from the other party, if observed in a public place, without direct contact. If a mutual no contact order is issued, it is the responsibility of both the respondent and complainant, if they observe each other in a public place, to stay away from one another without directly contacting the other. If the College finds it appropriate, it may make a schedule for both the complainant and the respondent to use the same facilities, while maintaining the terms of the no contact order.
   b. The Title IX coordinator or designee may take further protective action, if deemed appropriate, to separate the complainant and the respondent.
   c. Students have a right to challenge the terms of the interim measure(s) or request a modification, by submitting a letter, as well as other supporting documents, to the director of student conduct or designee, within three business days of notice of the interim measure(s). A decision will be made within five business days of the request.
   d. Violation(s) of the College official’s directives and/or protective actions may lead to disciplinary action.
   e. When the respondent is an employee of the College and presents a continuing threat to the health and safety of the community, the College may subject the respondent to interim measures in accordance with the applicable collective bargaining agreements, employee handbooks, and College policies and rules.
   f. When the respondent is not a member of the College community and presents a continuing threat to the health and safety of the community, University Police or other College officials may provide assistance to the complainant in obtaining a persona non grata letter, subject to legal requirements and College policy, restricting the respondent from campus.

B. **Investigation.**

1. **Investigation Process.** A preliminary investigation of the report may precede a full investigation. The Title IX coordinator or designee will review the information gathered in the preliminary investigation to determine if a full investigation of the report should be pursued.
a) If a determination is made to pursue a full investigation, it will be conducted in a manner that recognizes the legal and policy requirements of due process, including fairness, impartiality, and a meaningful opportunity to be heard. The Title IX coordinator or designee may elect to have a two-member investigation team (investigators) complete the investigation.

b) Within 24 hours of receiving notice of the assigned investigators, the complainant or the respondent may, in writing, raise bias or conflict of interest, stating the specific reasons(s) for their concern. The Title IX coordinator or designee will determine whether the challenge has merit, and may assign a different investigator, if appropriate. If the Title IX coordinator is the subject of a student’s concern, then the vice president for enrollment management and student affairs will make the determination.

c) The investigators will meet with both the complainant and the respondent separately to obtain their statements, other evidence, including text messages, videos, etc., and request a list of witnesses from each. The College strives to complete investigations within sixty (60) days.

d) The purpose of the investigation is to determine whether the allegations, if true, may constitute a violation of the Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct Policy. If a determination is made that the alleged misconduct may constitute a violation, then the investigators will recommend that a hearing be held.

2. Notice to Parties of Investigative Report Recommendation. The investigators will prepare and distribute to the Title IX coordinator or designee a written report, which will include the information gathered during the investigation related to the allegations, and will set forth recommended charges, if any, as well as whether a hearing is recommended. The Title IX coordinator or designee, in consultation with the investigators, will determine whether a hearing will be granted, after reviewing the information gathered in the investigative report. The Title IX coordinator or designee will provide written notice to both parties simultaneously regarding whether a conduct hearing will be Granted or Denied, along with a copy of the investigative report.

a) Hearing Granted: If a hearing is Granted, no fewer than three (3) business days before the hearing, the Title IX coordinator or designee will also notify both parties in writing of 1) The identity of the student conduct officer assigned to hear the case; 2) The specific charge(s) of Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct being brought against the respondent; 3) The potential disciplinary action or sanctions the respondent may face if found “responsible”; and 4) a link to the Code of Student Conduct.

b) Hearing Denied: –

i. Basis for Appeal: A complainant whose request for a hearing is denied may appeal that decision to the vice president for enrollment management and student affairs or designee, whose decision will be final. An appeal may be brought on the following bases: 1) The investigation was incomplete, and the failure to interview or consider specific witness(es) or other information had a material impact on the investigators’ recommendation; or 2) New evidence has appeared that: a) was not known at the time of the investigation; b) could not have reasonably been discovered during the investigation; and c) is material, so may have had an impact on the outcome of the decision not to refer the matter to a hearing.

ii. Procedure for Appeal: An appeal must be submitted to the vice president for enrollment management and student affairs or designee in writing within five (5) business days of receipt of notice that a hearing was denied. The appeal letter in opposition to the decision to deny a hearing must be no more than five pages. If an appeal is submitted, notice of the appeal will be provided to the other party.

NOTE: Appeals may be submitted electronically or delivered to: Appeals Officer, Vice President for Enrollment Management and Student Affairs, 7th Floor, Allen Administration Building, or designee.

C. Sexual/Gender Based Discrimination and/or Misconduct Resolution

1. Informal Resolution. The College recognizes that in some limited situations, a voluntary informal resolution option may be appropriate. The Title IX coordinator may seek input from the complainant to
determine whether they are interested in engaging in an informal resolution of the report. The “Informal resolution,” may include restorative conferencing or mediation. Mediation will not be an option for reports involving sexual violence, however. (See Section 7, Informal Resolution.) The Title IX coordinator or designee must approve a request for Informal Resolution. If so approved and both parties agree to the Informal Resolution, then a student conduct officer or contracted third party will facilitate this structured interaction, and may intervene or terminate the process at any time.

a) **Purpose of Restorative Conferencing.** Restorative Conferencing provides an opportunity for the complainant to confront the respondent, in the presence of, and facilitated by, a student conduct officer or contracted third party, and the ability to communicate the impact of the incident, and their wishes and expectations for the future. The respondent will have the opportunity to understand the impact of their behavior and respond.

b) **Purpose of Mediation.** Mediation provides the opportunity for both the complainant and the respondent to resolve their conflict in writing in the presence of, and facilitated by a student conduct officer or contracted third party informally.

c) **Advisors for Complainant and Respondent.** Both the complainant and the respondent may have advisors of their choice present to support and assist them during the informal resolution process. The facilitator will offer each student an advisor who has been formally trained by the College, or the complainant and respondent may select an advisor of their choice. Advisors will have a limited role (see 2(g) below).

d) **Outcome of Informal Resolution.** Informal resolution will not result in a formal disciplinary sanction, but may result in the student conduct officer’s imposition of protective/interim actions agreed upon by the parties, or (with or without such agreement), based upon information derived from the proceeding, along with any other relevant information known to the College at the time of the Informal Resolution.

e) **Election to End Informal Resolution.** The College or either party complainant may, at any time prior to the conclusion of the Informal Resolution, elect to end such proceeding. If the College or the complainant elects to end the informal resolution process, then either may initiate a formal resolution instead.

2. **Formal Process.** Based upon careful review of the investigative report and all information brought forward in the conduct case, the student conduct officer/board determines whether a violation of the Code of Student Conduct occurred, using a preponderance of the evidence standard. If a student conduct officer/board determines that the respondent is responsible for violating any of the charges, then the student conduct officer/board determines what disciplinary action may be imposed. Written or electronic notice of the outcome is provided to the respondent and complainant simultaneously and will state whether the respondent is responsible for having violated the charge(s), and if so, what discipline will be imposed, as well as the rationale for the decision and any sanctions.

a) **Notice of Hearing.** When a hearing is granted, the student conduct officer/board chair will commence the formal conduct process by providing advance written or electronic notice simultaneously to the complainant and the respondent (the Notice of Hearing), which specifies: (1) the alleged violation(s) and a specific reference to the applicable provision in The Code of Student Conduct; (2) possible sanctions; (3) the date, time, and place of the hearing, subject to change; and (4) the names of the board members selected, if applicable. This notice may be provided at the Pre-Hearing Meeting.

b) **Administrative Hearing:** This will consist of a trained student conduct officer or designee, who will adjudicate the student conduct case alone (as opposed to a board). A respondent may choose to proceed with an administrative hearing only in cases that do not include a charge of Non-Consensual Sexual Intercourse. Where the respondent has this option, they will have three (3) business days from receipt of the written notice of hearing to determine whether to proceed with an Administrative or Board Hearing.

c) **Board Hearing:** The board is a formal group composed of faculty and staff appointed by the vice president for enrollment management and student affairs or designee, who also appoints the board
The board chair will i) confirm that all board members have received the required annual training; ii) select the board members; iii) serve as the presiding chair or appoint the presiding chair; and iv) send notice of the identity of the board members to the parties.

**Note:** Faculty and staff who serve as advisors, may at times, also serve as board members for other cases. A board member who acts as an advisor in a matter will not also preside on the board at the hearing.

d) **Notice of Potential Conflict.** Within 24 hours of receiving notice of the identity of the student conduct officer, and/or board hearing members assigned to the case, either the complainant or the respondent may raise, in writing, bias, or conflict of interest, stating the specific reason(s) for their concern regarding the assigned person(s). The Title IX coordinator, designee or board chair will determine whether the challenge has merit, and a different student conduct officer, board chair or board member(s) may be assigned, if appropriate.

e) **Preliminary Review and Pre-Hearing Meeting:** The student conduct officer/board chair will meet with both parties separately to review the charges against the respondent and to review the student conduct process, including the rights of both students. If the respondent disputes the charge(s), then a hearing will be scheduled. The College reserves the right, through the student conduct officer/board chair, to i) add to or modify the charges specified by the Title IX coordinator or designee, with notice to the parties; If a board hearing, the right to change the composition of the board at any time, with notice to the parties. If the respondent accepts responsibility, the student conduct officer/board chair may determine an appropriate sanction at that time, if no further information is required.

f) **Time of Hearing:** The respondent’s hearing will be held within ten (10) business days from the date of the preliminary review/pre-hearing meeting, unless the student conduct officer/board chair determines that legitimate grounds exist for delay. The parties, if participating, are expected to cooperate in the scheduling of the hearing. If either the complainant or the respondent fails to appear at the scheduled hearing, the student conduct officer/board chair may postpone the proceedings or proceed, at their discretion.

g) **Advisors.** Both the complainant and the respondent may be accompanied by advisors of their choice, who may assist and advise them throughout the student conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by state law and the Code of Student Conduct.

i. The student conduct officer/board chair will offer each student an advisor who has been formally trained on the College’s Sexual/Gender Discrimination and Interpersonal Violence Misconduct Policy; in the alternative, the student may select one of their choosing.

ii.

iii. Outside legal counsel may privately consult with and advise the student through the conduct process, but may not otherwise directly participate in the student conduct process on behalf of the student. An advisor may not directly question the student conduct officer/conduct board, the parties or witnesses at the hearing, but may suggest questions, in writing, to the student conduct officer/board chair and consult with the student that they are assisting.

iv. Students may request a brief recess to consult with their advisor, which will be granted at the discretion of the student conduct officer/board chair.

v. The student conduct officer/board chair will not allow an advisor’s presence to inhibit the conduct hearing.

h) **Submissions.** The student conduct officer/board chair will provide each party with a copy of the list of witnesses, and identification of or copies of documents or other information submitted by the other party, if any, that were not attached to the investigative report. In the absence of good cause, as determined by the student conduct officer/board chair, the parties may not introduce witnesses, documents, or other evidence at the hearing that were not identified and/or provided to the student.
conducted officer/board chair by the designated deadline. The student conduct officer/board chair has
the discretion to determine relevancy of all proposed submissions.

i) **Board Pre-Hearing Procedures.** The board chair will schedule a pre-hearing meeting with the board
panel prior to the hearing date. Once a board member has been assigned to the case, they may not
discuss the merits of the report or charges with 1) anyone not involved in the proceedings; 2) the
complainant or the respondent; 3) witnesses; or 4) anyone acting on the behalf of the parties. The
board chair will provide board members with 1) a copy of the Notice of Hearing; 2) the investigation
report, including appendices, if applicable; 3) the list of witnesses submitted by the parties; and 4) party submissions.

j) **Witnesses.** The student conduct officer/board chair will review each party’s proposed witness list to
assist in eliminating redundant testimony, and may, at their discretion, add witnesses to the witness
lists at the pre-hearing meeting and/or at the hearing, upon written notice to both parties. The board
chair will also provide each party written notice of the other party’s witness list. The student conduct
officer/board chair has the discretion to determine relevancy of the witnesses and determine the
need for attendance of witnesses at the hearing. The parties are responsible for the attendance of
their witnesses at the hearing.

k) **Resolution before Hearing:** If, at any time prior to the hearing, after reviewing the investigation
report and the complainant’s list of witnesses and other evidence, the respondent elects to
acknowledge their actions and take responsibility for the alleged Sexual/Gender Based Discrimination
and Interpersonal Violence Misconduct charge(s), then the respondent may request that the student
conduct officer/board chair resolve the matter without a hearing.

l) **SUNY Counsel.** The student conduct officer/board chair may seek advice from the State University of
New York, Office of the General Counsel throughout the hearing process.

m) **Privacy of the Conduct Process.** In order to comply with FERPA and to provide an orderly process for
the presentation and consideration of relevant information without undue intimidation or pressure,
the hearing process is not open to the general public.

n) **Hearing Process.** The hearing will not follow a courtroom model, and formal rules of evidence will
not be observed. The student conduct officer/board chair will determine the order of the witnesses
and resolve any questions of procedure arising during the hearing.

   i. Review of submissions. The student conduct officer/board and chair will review, in
advancement of the hearing, all the written materials provided to them, including the
investigative report and appendices, if applicable, and party and witness submissions.

   ii. Recording. The recording or transcript of the hearing, at SUNY Brockport’s discretion,
will be available for review by the parties within five business days following the
hearing, unless there are any extenuating circumstances. The recording or transcript
of the hearing will not be provided to parties or advisors.

   iii. Statement/Participation. Neither the respondent nor the complainant is required to
provide a statement at the hearing or to participate; the exercise of that option will not
preclude the board from proceeding and determining the charges against the
respondent on the basis of the information presented.

      a. If either the respondent or complainant fails to appear at the hearing after being
duly notified of its place and time, the student conduct officer/board chair may
postpone the proceedings or make the determination to proceed.

      b. If the complainant and/or the respondent decides not to participate, the hearing
may proceed, with the student conduct officer/board relying upon the information
presented during the hearing, the information contained in investigative report,
including any appendices, and party submissions, to make a determination.

      c. The student conduct officer/board may not draw an inference of any kind if
either the complainant or respondent chooses not to participate. However, the
choice not to participate may affect the hearing outcome.
The student conduct officer/board will make a determination of “responsible” or “not responsible,” on the basis of the evidence presented, provided the absent individual was duly notified of the scheduled hearing date, as outlined above.

iv. Options for Alternate Location. The College will provide the complainant and the respondent the option to appear and participate outside the physical presence of the other party during the hearing, in appropriate circumstances, by the use of a room partition or technology, such as Skype or Zoom videoconferencing, at the sole discretion of the student conduct officer/board chair.

v. Excluded Information. The student conduct officer/board will exclude the complainant’s and the respondent’s prior sexual histories, unless offered to prove someone other than the respondent committed the alleged conduct or concern specific incidents of the complainant’s prior sexual history with the respondent and are offered to prove consent. Mental health diagnosis or treatment of each of the parties will also be excluded, unless a party gives voluntary written consent. Accordingly, when determining responsibility, the student conduct officer/board will not consider 1) either of the parties’ sexual histories other than for the two exceptions set forth above; or 2) the parties’ mental health diagnosis or treatment, unless the party provides written consent.

vi. Newly-Discovered Evidence. As a general rule, no new evidence or witnesses may be submitted during the hearing.

- If a party identifies new evidence or witnesses that were not reasonably available prior to the hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the hearing.
- The student conduct officer/board chair will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.
- If the student conduct officer/board chair answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

vii. Right to reconvene. If the student conduct officer/board determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the student conduct officer/board chair may recess the hearing and reconvene it in a timely manner to receive such information. (A recess may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents or other evidence that were not timely submitted in advance of the hearing).

viii. Evidentiary Standard. The standard by which the College will evaluate evidence of reported Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct is “preponderance of the evidence.” Preponderance of the evidence means “more likely than not.” Accordingly, a respondent will be found responsible for the reported misconduct only if the student conduct officer/board concludes that such misconduct more likely than not occurred, based upon careful review of all information presented.

o. Decision/Opinion. If a board hearing, the board must make its decision by majority vote. If an administrative hearing, the student conduct officer alone will make the determination. Following the hearing, the student conduct officer/board will issue its decision to both parties in a Memorandum Opinion. The student conduct officer/board chair will provide the written decision of the student conduct officer/board in person or electronically, to i) both the complainant and respondent simultaneously; ii) the vice president for enrollment management and student affairs; iii) the Title IX
vi. The Memorandum Opinion will contain the following information: The name of the parties; whether the respondent has been found responsible or not responsible for charge(s) of Sexual/Gender Based Discrimination and Interpersonal Violence Misconduct, and the basis therefor; and the sanction imposed, if any. By law, both the respondent and the complainant have a right to this information. College policy neither encourages nor discourages further disclosure of the decision letter by either student.

vii. The memorandum opinion will contain an explanation of the student conduct officer’s/board’s reasoning for the decision.

p. Sanction(s). If a finding of responsibility is made, then the student conduct officer/board must determine sanctions. In determining an appropriate sanction for the respondent, the student conduct officer/board may consider any record of past violations of the Code of Student Conduct, as well as the nature and severity of such past violation(s). The student conduct officer/board will consider as part of their deliberations, whether the respondent poses a continuing risk to the complainant and/or the College community. The student conduct officer/board may consult with the Title IX coordinator or designee concerning the measure of discipline it determines to impose. The board will make its sanction determination by majority vote.

i. Sanction for Non-Consensual Sexual Intercourse Finding of Responsibility. For students found responsible for Non-Consensual Sexual Intercourse, the only disciplinary action available is: 1) conduct suspension for one semester, two semesters, three semesters, or four semesters with additional requirements; or 2) conduct dismissal.

ii. Effective Date of Sanction. Sanctions are effective once the student conduct officer issues its Memorandum Opinion to the parties. However, the vice president of enrollment management and student affairs or designee may “pause” the student conduct officer’s/board’s determination while the appeal is pending, or allow the respondent to attend classes or other activities on a supervised or monitored basis, or make such other interim modifications to the determination as may be advisable. The decision of the vice president may not be appealed.

q. Appeal Process.

i. Right to Appeal. Both the respondent, who is found responsible, and the complainant have the right to appeal the decision and/or sanctions to the vice president for enrollment management and student affairs or designee in writing by submitting a letter, no more than five pages, in opposition to the hearing outcome and/or sanction(s), within five (5) business days of notice having been issued.

ii. Basis for Appeal. An appeal may be heard on the following grounds only:

- Due Process. The student conduct officer or board failed to observe the procedural or substantive requirements established by the Code of Student Conduct;
- Severity of Sanction. The sanction is “too severe” or “not severe enough” based on the proven violation.
- New Evidence. New evidence has appeared that: a) was not known at the time of the original hearing; b) could not have reasonably been discovered at the time of the original hearing; and c) is material, so may have had an impact on the outcome of the original conduct decision.

NOTE: Appeals may be submitted electronically or delivered to: Appeals Officer, Vice President for Enrollment Management and Student Affairs, 7th Floor, Allen Administration Building, or designee. Notice that an appeal has been made will be provided to the other student after the deadline to appeal has passed.

iii. Appeal Record. The appealing student whose hearing was recorded will have access to a full and fair record of the board hearing, which will be preserved and maintained for a
period of seven (7) years from the date of the last entry or until the student graduates, except in a matter of suspension or dismissal, in which case the record is maintained indefinitely. The appealing student may access the record by emailing the student conduct director at Thompson Hall, West Wing, at dgreer@brockport.edu or calling (585) 395-2122,

iv. Appeal Panel. The appeal panel, which will consist of a minimum of two College officials, will rely upon the audio recording and/or written record of the student conduct officer/board, and may consult with the student conduct officer/board chair/board members. Neither the student found responsible nor the complainant will have the opportunity to meet with the appeal panel, unless, in the panel's discretion, a meeting would serve to clarify an issue on appeal. The appeal panel will generally not conduct a new factual investigation.

The appeal panel may take any of the following actions:

- Affirm the findings and sanctions of the original conduct official or conduct board;
- Modify the findings and/or sanctions;
- Overturn the findings of “responsible” or “not responsible”; or
- Remand for a new hearing.

v. Notice of Appeal Outcome. Both the complainant and the respondent will be notified simultaneously in writing of the outcome of the appeal. Members of the board, the Title IX coordinator, and the investigators will also be notified in writing of the appeal outcome.

r. Transcript Notation in Cases of Conduct Suspension or Conduct Dismissal. If the student conduct officer/board imposes a sanction of conduct suspension or conduct dismissal, then, following exhaustion of any appeals as set forth above, the student conduct officer/board chair will notify the College Registrar to place a notation on the transcript of the student found responsible, that states, “Suspended after a finding of responsibility for a code of conduct violation,” with the period of suspension specified, or “Dismissed after a finding of responsibility for a code of conduct violation.” Students may appeal to the vice president of enrollment management and student affairs, in writing, for removal of a notation that they were suspended, no earlier than one year after the suspension is completed. Notations indicating a student was dismissed from the College shall not be subject to removal, and therefore, cannot be appealed.

PART H: CAMPUS RESOURCES

SUNY Brockport provides trauma-informed services through a multidisciplinary approach. A small team of professionals work collaboratively to offer sexual assault response services which include: a) The Student Health Center at Hazen Center for Integrated Care assists victims of sexual assault and rape by providing immediate medical attention to the victim, referral to a local emergency room for a Sexual Assault Nurse Examiner (SANE) exam, and manages the necessary follow up care. For after-hours care, students are referred to a local emergency room and to RESTORE (Rape Crisis Services) for immediate medical care and support; b) The Counseling Center at Hazen Center for Integrated Care assists students who may be victims, through crisis intervention, individual and group counseling services; c) RESTORE sexual assault services, which provides support, counseling, and advocacy; d) University Police, which assists students with filing a criminal report and/or e) The Title IX coordinator, who will discuss reporting options, student conduct options and supportive measures.

For campus and community resources, refer to the SUNY Violence Response Resources webpage at http://www.suny.edu/violence-response/

Important contact information:

- Student Health Center, Hazen Hall, (585) 395-2414, https://www.brockport.edu/life/health_center/
- Counseling Center, Hazen Hall, (585) 395-2414, https://www.brockport.edu/life/counseling_center/
- Office of Student Conduct, Thompson Hall, (585) 395-2122 or 2108, www.brockport.edu/life/student_conduct
- Title IX coordinator, 620 Allen Administration Building, (585) 395-5066,