

# Student Conduct

**SUPPORTING STUDENT SUCCESS THROUGH  
EDUCATIONAL INTERVENTIONS**

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# brief background:

Conduct and discipline of college students has been a concern since first colonial colleges were founded in this country.

**"The article of discipline is the most difficult in American education. Premature ideas of independence, too little repressed by parents, beget a spirit of insubordination..."  
(Letter from Thomas Jefferson to Thomas Cooper, 1822)**

A formalized field of practice in conduct rather than simply discipline emerged in the late 1960's to early 1970's.

## Evolution of the field:

- Emergence of Association for Student Judicial Affairs (1987); now the Association for Student Conduct Administration
- First training institute for conduct administrators, Gehring Institute (now Gehring Academy (1993)
- Creation of first competency model dedicated to development of conduct practitioners (1997)

# brief background:

## Emerging models of practice and resolution:

- Traditional student conduct boards and administrative reviews of reported infractions.
- Alternative resolution processes and considerations for a more intentional and educationally purposeful practice
  - Mediation
  - Social Justice
  - Restorative Justice

## Shift in perspective and approach:

**“The discipline of students in the educational community is, in all but the case of irrevocable expulsion, a part of the teaching process.”  
(General Order, 1968)**

# student centered practice:

Today, student conduct programs on college campuses must balance three complex, interconnected goals, as reflected in the Preamble to the ASCA Constitution and Bylaws (ASCA, 1988/2017).

Student conduct programs should be:

- Community-focused;
- Learning-centered; and
- Procedurally sound.

Student Conduct at SUNY Oswego acts as a tool to support student success and persistence towards degree completion/the conduct process is a 'gear' in the student success 'machine'.

# key differences:

The student conduct process, unlike the criminal and civil legal systems, is designed to address the student's relationship to the institution and its behavioral standards and policies. While the process may involve situations that overlap with criminal laws (e.g., theft, drugs, or sexual assault) and civil statutes (e.g., fraud, social host laws, and other neighborhood issues) campus policies and processes are intentionally and appropriately different. (T. King & B. White and ASCA)

	<b>Criminal justice &amp; civil proceedings</b>	<b>Disciplinary resolution processes at the university</b>
<b>GOAL</b>	Public safety, deterrence, punitive in nature	Educational, safety, protect the academic community
<b>GOVERNING LAW</b>	New York state law/penal code	Code of Conduct, Student Handbook, Title IX, Clery, Article 129-B
<b>INVESTIGATION</b>	Law enforcement officers	Departmental Conduct Officers/Hearing Body
<b>EVIDENCE STANDARD</b>	Beyond a reasonable doubt	Preponderance of the evidence
<b>PRIVACY</b>	Public Trials	Private hearings/closed deliberations
<b>PARTICIPATION</b>	Generally required of victims/subpoena power	Optional for Complainant & Respondent/no subpoena power

# Some data & observations:

## 2019-2020, Frequent Policy Violations

### 246 Drug Policy

- 171-Possession, consumption, or being under the influence
- 75-Possession and/or use of drug paraphernalia

### 124 Intellectual Dishonesty/Cheating

- 71 of these reports were submitted from March through June, 2020; campus conversion from in-person to online

105 Alcohol Policy- Possession, consumption or being under the influence while under the legal drinking age

86 Disruptive or Disorderly Behavior - Disruption to the community (campus and/or local)

81 Violations of Rules Governing Residence Halls

# Some data & observations:

## Forums of Resolution

**29 Hearings (when outcomes could reasonably result in college housing removal, suspension or expulsion)**

- **16-Board Hearings**
- **13-Administrative Hearings**

## Total Number of Suspensions and Expulsions

**suspension = separation for a period of time not to exceed two years/four academic semesters**

**expulsion = indefinite removal from the academic community**

## 13 Suspensions

- **12-Student Misconduct (physical altercation, disorderly conduct, misrepresentation, alcohol, drug, fire safety)**
- **1-Sexual Misconduct**

## No Expulsions

# Some data & observations:

## Fall 2020, Frequent Policy Violations

### 557 Alcohol Policy

- 289 - Possession, consumption or being under the influence while under the legal drinking age
- 268 Being in the presence of alcohol while under the legal drinking age

### 121 Drug Policy - Possession, consumption or being under the influence

### Before October 1, 2020\*

- 448-Violation of Policies Governing the Residence Halls
- 397-Violation of Federal, State or Local Laws
- 178-Failure to Comply – Failure to comply with the reasonable directives or requests of a college official, etc.

# Some data & observations:

After October 1, 2020; adoption of the Chancellor's emergency directive

**254 - COVID-19 Safety Protocols**

**Forums of resolution:**

**38 Hearings**

- **25-Board Hearings**
- **13-Administrative Hearings**

**Total number of Suspensions and Expulsions**

- **20 Suspensions**
  - **1 Academic Dishonesty**
  - **1 Residential Conduct**
  - **8 Student Conduct (fire safety, drugs, alcohol, acts of violence/endangerment, disorderly conduct)**
  - **10 Violation of public health mandates (large gatherings, failure to isolate/quarantine)**

# Some data & observations:

## 5 Expulsions

- 2 Sexual Misconduct
- 3 Student Conduct (weapons, fire safety, drugs, alcohol)

Students may appeal when the outcome is suspension or expulsion. The criteria to appeal can be based on one or more of the following grounds:

1. Procedural error
2. New evidence
3. Severity of the sanction

## Philosophical Basis for Appeals

- Ensure that procedures were followed to a fair result
- Show deference to the original decision-maker(s) on appeal unless there is a clear error
- Modify sanction(s) when there's compelling justification to do so, not disagreement based on judgement

# Some data & observations:

## 2019-2020

**5 appeals submitted for cases that resulted in suspension:**

- **4 appeal requests were denied; appellate body affirmed the findings and the sanction(s)**
- **1 appeal was granted; date of suspension was held in abeyance due to the timing of the academic semester, suspension duration remained unchanged**

## Fall 2020

**15 appeals submitted for cases that resulted in suspension:**

- **13 appeal requests were denied; appellate body affirmed the findings and the sanction(s)**
- **2 appeals were granted; date of suspension was held in abeyance due to the timing of the academic semester, suspension duration remained unchanged**

**3 appeals submitted for cases that resulted in expulsion:**

- **All appeal requests were denied; appellate body affirmed the findings and the sanction(s)**

# academic dishonesty, fall 2020:

## 45 incidents reported, 68 students involved

- 20 First year students
- 22 Sophomores
- 11 Juniors
- 13 Seniors
- 2 Graduate students

## Incident Location:

- 57 students violated policy in a CLAS course
- 8 students violated policy in a School of Education course
- 2 students violated policy in a SCMA course
- 1 student violated policy in a School of Business course

## Resolution:

- 55 students received a reduced grade on an assignment/exam or in the course
- 5 students received a failing grade in the course
- 6 students were not penalized
- 1 student was referred to Student Conduct

# student integrity in a remote environment:

**"The rule compliance approach tells students what they can't do, while the integrity approach offers guidelines for students on what they should do." (Tricia Bertram Gallant, Ph.D., University of California, San Diego)**

## **Consider Access, Equity, and Inclusion.**

- **Before developing a plan, think about the limitations that some students might face in remote learning and how you can remove those barriers.**
- **Technology may not always be the answer. Sometimes requiring certain software programs, even if free or low cost, may create unintentional barriers for student success.**
  - **Lack of personal technology devices**
  - **Unreliable internet access**
  - **Limited data plans for devices**

## **Students' lived experiences may not be compatible with student academic achievement.**

- **Lack of quiet space to do school work**
- **Increased work obligations**
- **Parenting / caregiving responsibilities**
- **Consider grading rubrics in order to maximize consistency in grading across assignments and mitigate the risk of implicit bias**

## **Being Proactive.**

- **Consider asking students to sign an academic integrity pledge on each assignment/exam.**

**“I promise that I will follow the College’s policies on academic integrity and that have not given or received any assistance in completing this assignment from any outside source, including unauthorized collaboration with classmates.” (example taken from the University of Vermont)**

- **Make expectations clear. Outline what resources students can and cannot use in their assignments.**
- **If exams are “open book” or “open note,” define what this means. Is it only resources provided in connection with the course, or is anything on the internet fair game?**

### **When Faculty Suspect Academic Dishonesty.**

**Maintain some degree of command over the materials available. If you suspect academic dishonesty, record the incident, gather information and evidence and keep relevant documents until the matter is resolved.**

- **Communicate with the student directly and openly. Share your specific concerns, but try not to be accusatory (even when the violation is blatantly obvious).**
- **The goal is to engage the student in a dialogue about their actions.**

- **Before the conversation begins, consider the following approaches:**
  - **“Tell me about your process in completing this assignment.”**
  - **“How did you feel about this assignment? Did you feel prepared or was it difficult for you?”**
  - **“What resources did you use to study/complete the assignment?”**
  - **“How can I support your learning moving forward?”**

**Academic misconduct is the umbrella for academic dishonesty and academic negligence.**

- **Academic dishonesty** includes intentional and deliberate acts when students are fully aware of the policies and ethical standards that prohibit the behavior.
- **Academic negligence** includes behavior when a student made an honest error with no intent to get an unfair advantage and/or was not aware of the policies and ethical standard that prohibit that behavior or fully understood them. (Integrity Seminars, University of Minnesota and Boise State)

**Being remote doesn't change our policies, procedures and expectations for student behavior.**

- **Consider mitigating factors in sanctioning. Do not excuse behavior, but think about (and ask the student to describe) ways in which the current pandemic might be creating additional stressors contributing to poor decision making.**
- **Create a path forward for the student. Discuss ways in which this can serve as a learning experience and what support the student needs in the future to assist in their success.**

## **opportunities for shared governance:**

**Consider joining Student Conduct Hearing Boards.**

- **An educationally purposeful opportunity to advance the mission of the College and meaningful ongoing service to the institution.**

- **Extensive collaboration with a diverse group of Oswego community members and a unique insight into the student conduct process.**
- **Share in the decision-making of challenging and complex conduct cases that support the ethical and behavioral standards of students.**
- **Set aside personal and/or organizational perspective in order to establish accountability and maintain community standards.**

### **Time commitments**

- **Complex and sensitive cases often require advance preparation of hearing materials, pre-hearing board meetings, and deliberations following the proceedings**
- **Attendance at all required orientation, training workshops, and mock/shadow hearings.**

# available resources:

**Consult with your department chair, fellow colleagues, Dean and Associate Dean of your academic area.**

**Student Handbook & Code of Conduct:**

**[www.oswego.edu/student-handbook/home](http://www.oswego.edu/student-handbook/home)**

**Methods to report community incidents and concerns:**

**[www.oswego.edu/student-conduct/report-incident](http://www.oswego.edu/student-conduct/report-incident)**

**Intellectual Integrity Policy, Sanctioning Guidelines for Faculty Penalties and online reporting form:**

**[www.oswego.edu/intellectual-integrity](http://www.oswego.edu/intellectual-integrity)**

**Student Conduct, Dean of Students Office**

**501 Culkin Hall**

**E: [conduct@oswego.edu](mailto:conduct@oswego.edu)/[alexis.pinerobenson@oswego.edu](mailto:alexis.pinerobenson@oswego.edu)**

**O: (315) 312-3378**

The goal of the Student Conduct Program within the Dean of Students Office is to challenge students to adopt an informed set of ethics and values expressed through mutual respect, academic integrity, acceptable standards of behavior, and social responsibility.



## HEARING BOARD MEMBERS, INVESTIGATORS, AND CONDUCT ADVISORS RECRUITMENT

Student Conduct is seeking a broad and diverse representation of student (undergraduate and graduate), staff and faculty applicants, willing to serve in various roles for the 2020-2021 academic year.



HEARINGS

Student Conduct is committed to an educational and developmental process that balances the interests of students with the interests of the SUNY Oswego community when students, student groups, and student organizations are responding to allegations of misconduct. **Hearings** are high level proceedings where outcomes are likely to result in college housing removal, suspension or expulsion. **Hearings** an integral role in the adjudication of formal non-academic and academic conduct cases that ensure students, recognized student groups and organizations are given the opportunity to have their cases heard by a representative body of the campus.



BOARD MEMBERS

Hearing Boards are an active body of decision-makers comprised of three to five students, faculty and staff selected and trained by the Director of Student Conduct. **Board members** are knowledgeable of all Code of Conduct and College policies who are trained in evaluating the facts of a case and participate in all aspects of the hearing including listening to testimony, questioning students and witnesses, deliberations and determining responsibility. Students will not serve on appeal boards or cases involving allegations of sexual misconduct.



INVESTIGATORS

**Investigators of organizational misconduct** (faculty, staff, and graduate students only) are trained, neutral fact-gatherers who engage in the active accumulation of information when allegations of alcohol, drugs, physical violence, hazing, or demeaning behavior involving recognized student groups or organizations or individuals closely linked to organizational activity, occurred in an environment permitted by the organization, or represented illegal or otherwise prohibited behavior condoned by the organization's membership are reported. **Investigators** should possess a strong skill in writing concise, logical analytical reports to convey complex issues, work well with others and independently, are eager to learn, capable of receiving constructive feedback, have excellent judgment, exceptional critical thinking skills, and able to handle complex and sensitive situations.



CONDUCT ADVISORS

Students and recognized organizations may have an advisor of their choosing, including an attorney, accompany them in all stages of the conduct process including investigation interviews, pre-hearing conferences, and the hearing. **Conduct Advisors** are trained members of the college community who are not otherwise involved in the case and do not serve as legal counsel. The role of a Conduct Advisor is to provide support and consultation to the involved student or organization before and during hearing proceedings. **Conduct Advisors** supporting students involved in cases where allegations of sexual misconduct are defined under the new Title IX regulations require ongoing training and education.

**FACULTY AND STAFF** are encouraged to speak with their supervisors, department chair and colleagues before making this commitment.

**STUDENTS** must currently hold and maintain a 2.5 GPA and have no substantial conduct history (minor infractions may be considered). First-year/first-semester students must establish good academic and disciplinary standing and therefore not eligible to apply but may attend the information session.

### VIRTUAL INFORMATION SESSIONS

**STUDENTS:** August 26, 2020 6:00 PM  
**FACULTY AND STAFF:** August 27, 2020 4:00 PM

Email [conduct@oswego.edu](mailto:conduct@oswego.edu) for an invitation.

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