

## **Rights of Persons Subject to Disciplinary Hearing for Sexual and Interpersonal Violence Cases.**

The reporting individual may request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the College as well as Federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

Throughout conduct proceedings, the respondent and the reporting individual will have:

- a. The same opportunity to be accompanied by a support person of their choice who may assist and advise the parties throughout the conduct process. Participation of the support person in any proceeding is governed by Federal law and the Student Code of Conduct.
- b. The right to a prompt response to any complaint and 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 responsible, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- c. 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.
- d. 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 of the factual allegations concerning the violation, a reference to the specific Code of Conduct provisions alleged to have been violated and possible sanctions.
- e. 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 10 days except when law enforcement specifically requests and justifies a longer delay.
- f. The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by the College).
- g. The right to present evidence and testimony at a hearing, where appropriate.
- h. The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.
- i. The right to exclude prior sexual history with persons other than the party in the conduct process or their own mental health diagnosis or treatment history from admittance in 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.

- j. The right to ask questions of the decision maker and via the decision maker
- k. Indirectly request responses from other parties and other witnesses present.
- l. The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- m. The right to simultaneous (among the parties) written evidence or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions and the rationale for the decision and any sanctions.
- n. The right to written or electronic notice 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, dismissal and expulsion.
- o. Access to at least one level of appeal of a determination before a panel that is fair and impartial and does not include individuals with a conflict of interest.
- p. 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 years in the Office of Student Services, Student Services Building, Room 304, 845-431-8970 or the Office of Student Conduct and Community Standards, Student Services Building, Room 117, 845-431-8962.
- q. The right to choose whether to disclose or discuss the outcome of a conduct hearing.