

Types of Violations

Type A Behaviors

Type A behaviors are those which primarily affect an individual or, if others are involved, are unintentional and non-malicious. Such behaviors are most likely to be addressed in ways not formally connected with the student disciplinary system. Mediation, counseling referrals, restitution with no disciplinary action, and/or educational conversations with an administrator that do not affect a student's disciplinary status are some of the actions most likely to be employed.

It is also possible that Type A behaviors are those that would be considered relatively minor violations of the Code of Conduct, particularly if they are actions that have some impact on the community and the individual, but have not caused serious harm or been detrimental to the community in significant ways. If they occur in the residence halls, and it is the first time a student has been involved in such an incident, these behaviors are most likely to result in the student having an administrative hearing with an Area Coordinator. Under some circumstances the more informal actions described above may be appropriate, but that decision is at the discretion of the Director of Student Conduct & Community Standards. Likely sanctions are described as Level 1 sanctions (see below).

Type A behaviors may include, but are not limited to, the following:

- Unintentional false fire alarm
- Posting policy violation
- Solicitation policy violation
- Quiet hours violation
- Violation of parking regulations
- Damage to College property (relatively minor and unintentional)
- Damage to another person's personal property (relatively minor and unintentional)
- Drinking underage
- Violation of residence hall regulations

Type B Behaviors

Type B behaviors include repeated or more serious instances of Type A behaviors. In addition, these behaviors tend to have a greater impact on the community as well as broader implications for the individual, resulting in a more significant violation of the Code of Student Conduct. While it is possible that these kinds of cases may be heard by an Area Coordinator, the Executive Director of Student Life & College Engagement/Designee, it is also likely that they will be referred to the Director of Student Conduct & Community Standards or his/her designee for action. Likely sanctions are described as Level 2 sanctions (see below).

Type B behaviors may include, but are not limited to, the following kinds of behavior:

- **Repeated or more serious instances of Type A behaviors**
- Refusing to comply with College employees
- Disorderly conduct
- Insubordination to Faculty or Staff
- Public intoxication/disruptive behavior
- Theft of college property (relatively minor)
- Marijuana possession (personal use)
- Marijuana use
- Possession of drug paraphernalia
- Giving ID card to another student or to a non-student
- Theft of college property or another person's property – minor
- Disrupting a College class, event or activity
- Violation of traffic regulations
- Illegal file sharing
- Illegal entry
- Preventing College personnel from doing their jobs
- **Off-campus disruption such as hosting large parties, noise ordinance, illegal parking, etc.**

Type C Behaviors

Type C behaviors are more serious violations of the Code of Student Conduct. They include repeated and/or more serious instances of actions described as Type B behaviors; in addition, these behaviors are more intentional, malicious and/or have a greater likelihood of causing harm. These cases will also be referred to the Director of Student Conduct & Community Standards or his/her designee. Likely sanctions are described as Level 3 sanctions (see below).

Behavior that would be considered Type C behaviors would include, but are not limited to:

- **Repeated or more serious instances of Type B behavior**
- Fighting
- Verbally abusing another person
- Harassing another person (calls, emails, in-person confrontations)
- Lewd behavior
- Tampering with fire equipment
- Damage to College property
- Damage to another person's personal property
- Providing alcohol to underage students
- Hosting parties of any size with underage drinking
- Drinking/using drugs requiring medical intervention
- Possessing/displaying a weapon
- Pulling a fire alarm falsely

- Possession of narcotic/prescription drugs
- Theft of college property – major
- Theft of another person’s property – major or minor
- Belligerent/abusive behavior
- Disrupting a College class, event or activity
- Forging a College employee’s signature
- Embezzling funds
- **Social Media Policy (minor)**

Type D Behaviors

Type D behaviors are actions that would be considered the most major violations of the Code of Student Conduct. These include repeated and/or more serious instances of actions described as Type C behaviors, but also are individual actions that are particularly egregious and are of most concern for the community. Type D behaviors will always be heard by the Director of Student Conduct or his/her designee. Likely sanctions are described as Level 4 sanctions (see below).

Behaviors that would be considered Type D behaviors include, but are not limited to:

- **Repeated or more serious instances of Type C behaviors**
- Having nonconsensual sexual contact with another person
- Rape or attempted rape
- Sexual Harassment
- Drugging another person’s drink
- Hitting or causing injury to another person with no physical provocation
- Hazing
- Threatening others with a weapon
- Using a weapon
- Felony level possession of drugs
- Selling marijuana/drugs
- Selling of narcotic/prescription drugs
- Setting/causing fire
- Attempt at self-injury (dependent on circumstances and determined in conjunction with counseling staff)
- **Social Media Policy (major)**
- **Bias Incident**
- **Hate Crime**

Sanction Levels

Level 1

Behavior resulting in Level 1 sanctions tends to be relatively minor in nature, with the primary concern being for the individual. The goals of these sanctions are mostly to educate the student regarding the inappropriateness of their behavior, resolve issues that may have resulted in problematic behavior, and restore ties to other members of the community. Generally, Level 1 sanctions include:

- Letters of warning/disciplinary reprimand
- Educational sanction
- Restitution
- Letters of apology
- Mediation
- Community service (relatively small number of hours able to be completed in a month)

Level 2

Those sanctions used at Level 2 include any of the sanctions described in Level 1. In addition to concerns for the student involved, these sanctions begin to weigh more heavily the impact of the student's behavior on the community. The focus of the disciplinary system becomes one of concern for the continued membership of the student with the community. Sanctions imposed attempt to correct the behavior and prevent further violations. While sanctions described in Level 1 may be utilized at this level, additional sanctions likely to result at this level include the following:

- Disciplinary probation
- Residential probation
- Educational sanctions
- Community service (significant number of hours)
- Restitution
- Mediation
- Restrictions (residential, visitation, parking/driving, contact, etc.)
- Residential relocation
- Counseling assessment
- Letters of apology
- Behavioral contract

Level 3

This level of sanctioning addresses behavior which is of an elevated concern regarding the individual and may signify behavior considered to pose a threat to the campus community and/or the individual. The focus of the disciplinary system is to attempt to balance the education of the

student with the protection of the College community. While many of the sanctions described in Level 2 may apply, additional sanctions likely to result at this level include the following:

- Social probation
- Residential relocation
- Residential suspension
- Educational sanctions
- Community service (significant number of hours)
- Restitution
- Counseling referral
- Restrictions (residential, visitation, parking/driving, contact, etc.)
- Behavioral contract

Level 4

At this level, the primary focus of the disciplinary system becomes one of concern for the safety and quality of life of the College community rather than the individual. It is likely that this means an individual is no longer able to continue as a member of the Utica College community. While some sanctions described in Levels 2 and 3 may be imposed, the following sanctions are likely to result:

- Suspension from Utica College for a specified period of time, likely to include conditions for return
- Ban from Utica College campus
- Expulsion from Utica College

Interim Measures - The Assistant Vice President of Student Affairs & Dean of Students and Campus Life/designee may assign an interim action(s) upon learning of potential violations, if the allegation(s) of misconduct is apparently reliable and relates to the safety and/or welfare of any person, College property, or any College function. The assignment of an interim action(s) restricts the student from certain privileges at the College in the interest of safety and/or the well-being of the community or the student themselves; it does not mean the student has been found responsible for violating the Code of Student Conduct. Interim actions can include (1) modification or suspension of the ability of a student to be present in specific areas or buildings on campus; (2) modification or suspension of the ability of a student to be present on college property in its entirety; (3) modification or suspension of the ability to attend class(es); (4) modification or suspension of the ability to participate in a college-related activity; the issuance of a No Contact Restriction.

The interim action(s) will be communicated in writing to the student, by email or in person and is effective immediately. Failure or refusal to take receipt of notification will not negate or postpone said interim action. Interim actions are in effect from the time of issuance until the Director of Student Conduct & Community Standards/designee determines that the reason for imposing the interim action no longer exists and the student receives written notice that the

interim action is no longer applicable or until the resolution of the student conduct matter through the Student Conduct Process.

Student Conduct Amnesty Policy - Any individual (including, a witness, or a third party) who shares information in the interest of any individual's health and safety will not be subject to disciplinary action by the College for their own personal consumption of alcohol or other drugs at or near the time of any incident, provided that they did not harm or place the health or safety of any other person at risk. The College may require an educational meeting where support, resources, and educational counseling options may be discussed and potentially required with a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.