October 1, 2020

Dear FM Students:

This emergency directive, which is effective on October 1, 2020, implements a COVID-19 sanctioning policy for all 64 SUNY campuses. It is being added to our FM Student Code of Conduct, which is found on APPENDIX C – CODE OF CONDUCT on Page 36 in The Source Student Handbook. It has been written to be intentionally narrowly tailored to the current public health emergency, and seeks to create uniformity of sanction to help SUNY balance the need to protect public health of students, faculty, staff, and community members, with students’ rights to remain within the educational environment. This directive does not supersede the definitions of violations of COVID-19 requirements, where defined by a campus within their Code of Conduct or other policy, but assigns standardized sanctions for such violations, dependent upon gravity and intentionality. All students maintain the due process rights guaranteed to them by the federal and New York State Constitutions, New York State law, SUNY regulations, and University-wide and campus policies.

Students are strongly encouraged to follow the reasonable requirements of wearing masks/coverings, socially distancing, avoiding crowds, presenting for COVID-19 testing, filling out daily digital health forms before arrival on campus, reporting positive test results, and following all directives of campus, local, and State health officials.

Please take a minute to review the uniform sanctions. The entire language for this policy is contained in the Reopening Plan, found on https://www.fmcc.edu/2020/07/08/fall-2020-plan-unveiled/.

The violations set forth in this SUNY policy are listed below:

**I(A)- COVID-Positive Intentional Violations:** For students who know that they have tested positive for COVID-19, from one or more positive tests, or students who know they have had close contact to someone who has tested positive for COVID-19 or been treated or is symptomatic for COVID-19, and then intentionally expose other students by any means— including, but not limited to, visiting with the COVID-19 positive tested person in an enclosed area or inviting that person to the student’s room, apartment or other enclosed space, sharing food or other personal items, or hosting a gathering of any size—the available sanctions shall be permanent dismissal or suspension from academic access (including distance learning) and housing for no less than one calendar year. For SUNY campuses that maintain a hospital or public-facing health care facility, suspended or dismissed students shall, consistent with campus policy, remain eligible to enter the campus for health care purposes. A student dismissed or suspended from a SUNY campus for a positive intentional violation shall be ineligible for admission to any other SUNY State-operated or community college during the pendency of their sanction.
I(B)- Failure to Self-Isolate: For students who have been directed by the institution or the State or local Department of Health to self-isolate (because they have tested positive for COVID-19) on or off campus, and then engage in any conduct that would violate such isolation order—including, but not limited to, intentionally leaving isolation, exposing other individuals, including students (whether in isolation or not) by visiting with them in an enclosed area, by inviting them to the student’s room, apartment or other enclosed space, by sharing food or other personal items, or by hosting a gathering of any size—the available sanctions shall be permanent dismissal or suspension from academic access and housing for no less than one calendar year. A student dismissed or suspended from a SUNY campus for a failure to self isolate violation shall be ineligible for admission to any other SUNY institution during the pendency of their sanction. Failure to follow the directions of State or local health departments or the provisions of Executive Orders (including but not limited to New York State on Pause) may also result in fines, criminal prosecution, or referral to relevant government agencies.

I(C)- Failure to Quarantine: For students who have been directed by the institution or the State or local Department of Health to complete a quarantine period (mandatory or precautionary), on or off campus, and then engage in any conduct that would violate such quarantine order, the available sanctions shall include a suspension from housing with continued access to their academic program via remote learning only (if available and as subject to campus policy and process), an academic and housing suspension, or permanent dismissal from the institution. For non-residential students who fail to quarantine, the available sanctions shall include a suspension from academic access to campus of at least one year with continued access to their academic program via remote learning only (if available and as subject to campus policy and process) and other sanctions detailed above. Failure to follow the directions of State or local health departments may also result in fines, criminal prosecution, and referral to relevant government agencies.

II(A)- Prohibited On Campus Gathering (Hosts): For students who host an on campus gathering of any size, whether indoor or outdoor, that violates or exceeds campus housing policy and/or the current limitation published by the institution, Executive Order, or the State or local Department of Health, the available sanctions shall include a suspension from housing of at least one year with continued access to their academic program via remote learning only (if available and as subject to campus policy and process), an academic and housing suspension of at least one year, or permanent dismissal from the institution. For covered gatherings, all individuals who are on the housing contract/lease (or a member of their family is on the lease), pay rent, or live at the location or otherwise assisted in organizing the event shall be considered a host unless it can be shown that they were not present and played no part in organizing, hosting, promoting, or advertising the event.

II(B)- Prohibited On Campus Gathering (Attendee): For students who attend a gathering of any size (but not as host), whether indoor or outdoor, that violates or exceeds campus housing policy and/or the current limitation published by the institution, Executive Order, or the State or local Department of
Health, the available sanctions shall include a suspension from housing with continued access to their academic program via remote learning only (if available and as subject to campus policy and process), an academic and housing suspension, or permanent dismissal from the institution. For non-residential students, the available sanctions shall include a suspension from academic access to campus of at least one year with continued access to their academic program via remote learning only (if available and as subject to campus policy and process) and other sanctions detailed above.

III(A)- Prohibited Off Campus Gathering (Hosts): Acts that occur off campus in violation of social distancing requirements under law, regulation, order, or campus policy present significant health and safety threats on campus and have a nexus to continued functioning of each campus. For students who host an off campus gathering of any size, indoor or outdoor, that exceeds the current limitation published by the institution, Executive Order, or the State or local Department of Health, the available sanctions shall include a suspension from live attendance at the institution of at least one year with continued access to their academic program via remote learning only (if available and as subject to campus policy and process), a suspension of at least one year, or permanent dismissal from the institution. For nonresidential students, the available sanctions shall include a suspension from academic access to campus of at least one year with continued access to their academic program via remote learning only (if available and as subject to campus policy and process) and other sanctions detailed above. For covered gatherings, all individuals who are on the lease (or a member of their family is on the lease), pay rent, or live at the location shall be considered a host unless it can be shown that they were not present and played no part in organizing, hosting, promoting or advertising the event.

III(B)- Prohibited Off Campus Gathering (Attendee): Acts that occur off campus in violation of social distancing requirements under law, regulation, order, or campus policy present significant health and safety threats on campus and have a nexus to the continued functioning of each campus. For students who attend a gathering of any size (but not as host), whether indoor or outdoor, that exceeds the current limitation published by the institution, Executive Order, or the State or local Department of Health, the available sanctions shall include a suspension from housing (for students who live on campus) with continued access to their academic program via remote learning only (if available and as subject to campus policy and process), for residential or non-residential students a suspension from live attendance with continued access to their academic program via remote learning only (if available and as subject to campus policy and process), an academic and housing suspension, or permanent dismissal from the institution.

IV- Face Mask and Social Distancing Requirements: For students found to have committed repeated and/or intentional violations of face mask/covering or social distancing requirements of the institution, Executive Order, or the State or local Department of Health, the available sanctions shall include a suspension from academic and/or housing access with continued access to their academic program via
remote learning only (if available and as subject to campus policy and process), an academic and/or housing suspension, or permanent dismissal from the institution.

**V- Contact Tracing:** For students who repeatedly fail to comply, whether intentionally or unintentionally (unless it can be shown that the student was genuinely not reached by contact tracers through no failure on their part), with COVID-19 contact tracing efforts conducted by the institution or the State or local Department of Health, the available sanctions shall include a suspension from academic and/or housing access with continued access to their academic program via remote learning only (if available and as subject to campus policy and process), an academic and/or housing suspension, or permanent dismissal from the institution.

**VI- Failure to Comply with Campus Health Protocols:** For students who fail to attend at least two scheduled appointments, without sufficient excuse, to obtain diagnostic or surveillance COVID-19 testing under the institution’s published protocol, the institution shall undertake disciplinary action to enforce compliance, which may include interim suspension, or take administrative measures to electronically deactivate card access (or equivalent) and restrict access to any buildings with the exception of access required to obtain health care services pursuant to campus policy. For students whose access has been restricted, they shall be ineligible to attend live classes (though they may continue in remote coursework only, if available and as subject to campus policy and process), and their parking privileges on campus may be temporarily revoked such that their car may be ticketed or towed if parked on campus. Restricting access to the campus and revoking parking privileges are administrative actions that are not disciplinary in nature, and the affected student may revive full access by obtaining a diagnostic or surveillance test or by submitting negative results of a diagnostic or surveillance test, as applicable. The institution shall notify the student of their reduction of access. Coming to campus or seeking access to a campus building or course without curing this deficiency shall be considered trespassing and may result in investigation and discipline. For students who fail to submit their daily health screening via the institution’s supplied portal for at least three consecutive days, without sufficient excuse, the institution shall undertake disciplinary action to enforce compliance, which may include interim suspension, or take administrative measures to electronically deactivate card access (or equivalent) and restrict access to any buildings. For students whose access has been restricted, they shall be ineligible to attend live classes (though they may continue in remote coursework only, if available and as subject to campus policy and process), and their parking privileges on campus may be temporarily revoked such that their car may be ticketed or towed if parked on campus. Restricting access to the campus and revoking parking privileges are not disciplinary in nature, and the affected student may revive full access by submitting their daily health screening. Coming to campus or seeking access to a campus building or course without curing this deficiency shall be considered trespassing and may result in investigation and discipline.
VII- Student Athletes: For student athletes, in addition to the other provisions of this policy, a finding of responsibility for any violation detailed above in Sections I, II, and/or III, or repeated violations of other provisions above, may also include, at a minimum, a loss of the privilege of competing in intercollegiate athletics at the institution in the current academic year or longer, temporary or permanent removal of leadership roles, and loss of scholarship (where applicable). For student athletes found responsible for any violation detailed above in Sections I(A), I(B), I(C), the consequences may also include permanent loss of the privilege of competing in intercollegiate athletics at the institution, temporary or permanent removal of leadership roles, and loss of scholarship (where applicable). Such consequences may also impact NCAA, NCJAA, or other conference or association eligibility (pursuant to applicable rules).

VIII- Student Organizations: Where applicable, for recognized or registered student organizations, whether on or off campus, academic, social, athletic, or of any other nature, that have one or more members who know that they have tested positive for COVID-19, from one or more positive tests, or members who know they have had close contact to someone who has tested positive for COVID-19 or been treated or is symptomatic for COVID-19, and are found to have hosted a gathering of any size, indoor or outdoor, on campus or off campus, that exceeds the current limitation published by the institution, Executive Order, or the State or local Department of Health, the available sanctions shall include de-registration or de-recognition and a report to a national organizing body (if applicable) or may also include permanent ineligibility for recognition or registration. Where applicable, for recognized or registered student organizations, whether on or off campus, academic, social, or of any other nature, that are found to have hosted a gathering of any size, indoor or outdoor, that exceeds the current limitation published by the institution, Executive Order, or the State or local Department of Health, the available sanctions shall include a de-registration or de-recognition, a report to a national organizing body, organizational suspension of at least one year, or permanent ineligibility for recognition or registration.

Student members of an organization found to have engaged in conduct described in either paragraph of this Section, who themselves individually organized or participated in such a gathering shall, in addition to the sanctions described above, be subject to loss of their membership and/or officer status (where applicable) in an organization found to have so violated.

Jane Kelley
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