

# BUFFALO STATE COLLEGE

## DIRECTORY OF POLICY STATEMENTS

Policy Number: VIII:03:00

Revised: February 2022

SUBJECT: **Student Conduct and the Civil Process**

The following was endorsed and recommended for adoption as a statement of College policy by the Faculty Council, November 2, 1970.

The State University College at Buffalo recognizes the supremacy of the Civil law in all cases of duplication or conflict with the regulations of the College. Where individuals, though members of the college community, suffer loss or injury from the perpetration of misdeed, the College recognizes their rights of access to the civil process if they so choose.

This is not to be construed as precluding the invoking of college discipline procedures as described in the document, "Student Code of Conduct," whether or not civil remedies have been sought.

As the American Bar Association Commission on Campus Government and Student Dissent stated:

"The fact that a student has been subject to university disciplinary proceedings does not in any way preclude a subsequent trial of the student for the same conduct by public authorities if his/her conduct violated the laws of the jurisdiction. Likewise, the fact that a student has been tried in the criminal courts does not preclude the assertion of an appropriate disciplinary sanction against him/her by the university. There is no legal basis for the claim of 'double jeopardy' in either case."

"The institution should recognize the possibility, however, of injustice resulting from the imposition of multiple sanctions for the same conduct. In cases where the university proceeds after state action has taken place, consideration should be given by the university to any prior state punishment in determining the appropriateness of a university sanction. A criminal court should properly consider the sanction already imposed by a university tribunal in determining what penalty it should impose. Prosecutors or university officials as the case may be, should carefully consider whether it is desirable to proceed where a defendant has been acquitted in prior proceedings in court or before a university tribunal. These matters are, however, addressed to the discretion of responsible officials and do not give rise to any right of immunity from a different or additional finding or sanction made by the body that has initially delayed its exercise of jurisdiction."

In no instance is a member of the faculty, staff or administration of this college, acting in their official capacity to render advice in a manner in conflict with this policy.

Reference:

American Bar Association, Washington. (1970). Report of the American Bar Association Commission on Campus Government and Student Dissent. American Bar Association, Washington.