

# FREDONIA

April 1, 2005

To: Campus Community

From: Dennis L. Hefner  
President

SUNY Fredonia has endured media misrepresentation lately for the new wording regarding "implied consent" that was written into the revised Student Code of Conduct. I should point out that the code is not a set of laws, but a description of expectations and a guide for appropriate behavior.

Students, faculty and administrators revised the entire 21-page code through a long, careful, and thoughtful process in which other colleges, national organizations, and legal counselors were consulted.

A portion of one paragraph in the code has proven problematic and open to misinterpretation, and I have asked for a revision to be crafted by the President's Student Cabinet, a group of 12 students whom I confer with monthly. Any resultant revisions will then be submitted through the normal campus governance process.

The paragraph under discussion informs students that, in certain situations, their inaction through "implied consent" may result in being charged with violating the code. The exact sentence reads:

"In addition, students will be considered in violation if they fail to remove themselves from situations and/or report the incident to proper authorities."

SUNY Fredonia does not want, nor has ever wanted, students to report any and all types of misconduct they see, but rather to take responsibility for their personal actions and to take appropriate action when they become aware of situations that are dangerous and could result in harm or injury to others.

When the revised code was submitted to various groups for approval (University Senate, College Council, Student Affairs Committee), it was clear to all that this sentence is intended only for major violations. During the Senate meeting, the two examples cited of major violations in which other students can be harmed through implied consent were hazing and the selling of drugs.

SUNY Fredonia has crafted a thoughtful student code because we take very seriously our obligation to encourage individual student responsibility. We have made revisions to that code in the past, and will make further modifications in the future, not only to ensure a safe environment, but one that promotes personal rights as well as responsibilities.

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