

GENESEE COMMUNITY COLLEGE

STUDENT RIGHTS

AND

RESPONSIBILITY

HANDBOOK



FALL 2008

Genesee Community College Campus Mandates, Policies, Reports, and Related Consumer Information

Genesee Community College shall comply with all state and federal mandates. The Vice President for Student and Enrollment Services and the Vice President for Human Resources and Planning shall be co-editors of this document and shall be responsible for the publication and dissemination of this information, with the cooperation of the Director of Institutional Research; the Director of Intercollegiate Athletics; the Senior Campus Security Officer; and other Genesee Community College personnel as may be needed to provide timely and accurate information.

Early in the fall of each year (or other such deadline as is established by legislation), Genesee Community College shall publish a document under the title, “Student Rights and Responsibilities Handbook”. This single document shall contain all information related to compliance with all legislation and any new amendments and similar compliance legislation enacted subsequent to the establishment of this Policy. This document shall also be posted on the Genesee Community College website.

Genesee Community College shall notify in writing, every prospective student and employee of the College regarding the availability of this information in printed and electronic form, and shall, in the same notification, provide instruction on how copies of this information may be obtained.

Genesee Community College shall electronically notify, every current student, faculty member, and staff member of the College of the availability of this information in printed and electronic form, and shall, in the same notification, provide instruction on how copies of this information may be obtained.

Gender equity information shall also be made available, on request, to parents and coaches of high school athletes.

The attached document contains information on a wide range of College Policies and Procedures (Drug and Alcohol Abuse Prevention, Drug-Free Workplace, Bias Crimes, Directory Information, Nondiscrimination, Smoking, Sexual Assault, and Sexual Harassment), consumer information regarding Student Financial Assistance and Tuition Liability, Refund, and Repayment of Title IV Funds Policies, and Graduation and Completion Rates. Information regarding the Family Educational Rights and Privacy Act (FERPA) are included along with the most recent Cleary Act and Equity in Athletics Disclosure Act (EADA) reports.

Additional information about Genesee Community College is available through numerous publications including, but not limited to, the College Catalog and our website (www.genesee.edu). To request a copy of any Genesee Community College publication, please call or write:

Genesee Community College
Vice President for Student and Enrollment Services
One College Road
Batavia, NY 14020
(585) 345-6848

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GENERAL COLLEGE POLICIES

Bias Crimes

It is a Genesee Community College policy to protect all members of the community by preventing and prosecuting bias or hate crimes that occur within the College's jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State hate Crimes Act of 2000 (Penal law Article 485.) Copies of the New York law are available from the Office of Public Safety at Genesee Community College.

In addition to preventing and prosecuting hate/bias crimes, Genesee Community College will also take disciplinary action against any students, faculty, staff, guests, or visitors to the College who engage in bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents, may include but not be limited to acts of bigotry, harassment, or intimidation directed at a member or group within the Genesee Community College community, based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, and marital status. They may be addressed through the Genesee Community College Student Code of Conduct or other appropriate venues. Bias incidents can be reported to the Genesee Community College Public Safety Office, to the Affirmative Action Officer, or to the Vice President for Student and Enrollment Services.

If you are a victim of, or witness to, a hate/bias crime on campus, report it to a local law enforcement agency in an emergency by calling 911; or to the Genesee Community College Public Safety Office by calling (585) 345-6996. The Office of Public Safety will investigate and follow through with the appropriate adjudication procedures. You may also report a bias/hate crime or bias-related activity to the Affirmative Action Office of Genesee Community College, Dr. Larene Hoelcle, at (585) 345-6811.

Victims of bias crime or bias incidents can avail themselves of counseling and support services by contacting the Affirmative Action Officer, the Vice President for Student and Enrollment Services, or directly by making an appointment with a Genesee Community College personal counselor.

Please read the rest of this document for general information and up to date statistics on bias crimes and Genesee Community College security procedures.

Directory Information

The Family Educational Rights and Privacy Act of 1974 prohibits the non-consensual release of personally identifiable information which is not "directory information." Currently enrolled GCC students may object to the release of certain categories of "directory information" pertaining to them

by providing written notification to the GCC records access officer/Vice President for Student and Enrollment Services by the first day of classes.

The categories of “directory information” at GCC are: name, campus and home addresses, telephone numbers, dates of attendance; and previous institutions, major field of study, degrees conferred, awards received; and past and present participation in sports and activities, physical factors (height, weight), date and place of birth.

The failure of any student to specifically object to the release of certain or all categories of directory information within the time indicated will be interpreted as approval.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974 prohibit the non-consensual release of personally identifiable information which is not “directory information.” Currently enrolled Genesee Community College students may object to the release of certain categories of “directory information” pertaining to them by providing written notification to the GCC Records Access Officer/Vice President for Student and Enrollment Services by the first day of classes. The categories of “directory information” at GCC are: name, campus and home addresses, telephone numbers, dates of attendance; and previous institutions, major field of study, degrees conferred, awards received; and past and present participation in sports and activities, physical factors (height, weight), date and place of birth. (Note: Genesee Community College does not routinely release this information. Some “directory information” might be released in conjunction with a news release about an outstanding student or athlete, for example.)

The failure of any student to specifically object to the release of certain or all categories of directory information within the time indicated will be interpreted as approval.

Financial Assistance

Close to 80% of all Genesee Community College students receive some kind of financial assistance. Abundant Financial Aid information is available through our Financial Aid Office, our College Catalog, and our website. If you have questions about Financial Aid, your calls are welcomed at (585) 345-6900.

Graduation and Completion Rates

Students attend Genesee Community College for a variety of reasons. Many students never intend to earn an Associates degree or transfer to another institution. They enroll to give college learning a try, to earn credentials, or to take courses in an area of particular interest. Also, many students use their local community college as a convenient place to work progressively toward a college degree, stopping out from time to time to raise children, take on new job responsibilities, etc. Additionally, the presence of many upper division SUNY and private institutions within forty minutes driving time tends to lead some students who are near degree completion to transfer before actually earning their Associates Degree. This makes community colleges unique and may affect the appearance of student “success” rates. On the other hand, many students have clear and specific goals aimed at either earning an

Associates Degree or transferring immediately to a four-year institution. In recent years, from 28% - 31.55% of our students earned Associates Degrees from 2-3 years after beginning at Genesee Community College.

Holds on Student Records

When a student fails to meet an obligation (payment of a bill, parking or library fine, child care bill) or fails to fulfill the requirements of a disciplinary action, an Administrative Hold is placed on the student's record. This prevents the College from providing the student or any other party – including transfer colleges, employers, etc. with grades, transcripts, or other college records. The Administrative Hold is lifted when the student meets the specific obligation.

Nondiscrimination Policy

In accordance with Federal regulations, the New York State Human Rights Law, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act, Genesee Community College does not discriminate on the basis of age, race, color, creed, gender, religion, marital status, veteran's status, national origin, disability, or sexual orientation in educational programs, activities, admissions or employment. (Title IX, Section, 504 and ADA Coordinator Dr. Larene Hoelcle, Affirmative Action officer).

Admission to Genesee Community College is open to all individuals who can profit from collegiate instruction, with the exception of the following registered programs: Nursing, Paralegal, Physical Therapist Assistant, and Respiratory Care. Admission or re-admission to these programs is restricted. Additionally, the Director of Admissions may require any or all applicants (other than Accelerated College Enrollment, Advanced Studies/College Today students) who do not have a high school diploma or GED to meet the Federal definition of Ability to Benefit in order to qualify to attend, audit, or otherwise participate in classes at Genesee Community College.

Student and Employee Grievance Procedures Related to Discrimination

The purpose of this grievance procedure is to provide prompt and equitable investigation and resolution of allegations of unlawful discrimination based on race, color, national origin, religion, age, sex, disability, or marital status. This procedure covers grievances brought under Title IX of the Education Amendments of 1972, which forbids sex discrimination in educational programs and activities receiving Federal financial assistance, and Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, which forbids discrimination on the basis of handicapping conditions in any program or activity of the College. This procedure may be used by any student or employee of Genesee Community College. It is not intended to replace or duplicate existing grievance procedures such as those in the GCCESPA contract, the GEA contract, the Sexual Harassment Procedure, or the Academic Standards Committee, and it does not deprive a grievant of the right to file a complaint with enforcement agencies external to the College such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office of Civil Rights, or the Wages and Hours Division of the Department of Labor. This procedure provides an

additional mechanism through which the College may identify, correct, and eliminate incidents of unlawful discrimination in a timely manner.

Conditions for Filing a Grievance

The grievance must be filed, in writing, with the College's Affirmative Action officer within 45 days of the alleged illegal act of discrimination. The statement must contain the grievant's name, the date of the alleged act, and a description of the alleged act.

Time limits within this procedure may be extended by mutual agreement of the grievant and the president or his/her designee, with the exception of the 45-day limit for initial filing of the grievance.

Failure of the College to respond within the designated time limit will permit the grievant to proceed to the next step in the process.

Failure of the grievant to respond within the designated time limit will be deemed a withdrawal of the grievance. When a complaint is filed with a state or federal enforcement agency or when court action is initiated, internal grievance procedures need not be used. Grievances must be filed with EEOC or OCR within 180 days of the alleged violation: complaints must be filed with the Division of Human Rights within 365 days of the alleged violation.

For additional information regarding procedural steps, contact the Affirmative Action officer. In all grievance cases the Affirmative Action officer will advise the grievant of the procedural steps involved, advise the grievant of the various internal and external options available to him/her, assist in the definition of the charges made and will seek a timely resolution. It is the responsibility of the grievant to meet all the conditions for filing a grievance.

Note: There are also grievance and appeal procedures that relate to grades, academic standing, a dispute over billing, behavior on campus, parking violations, etc. For information on such appeals, contact the Vice President for Student and Enrollment Services.

On-Campus Parking

Regulations

Parking is free at Genesee Community College. However, all students, faculty, and staff must obtain a parking sticker at the public safety office, and display it in the rear driver's side window of their vehicle. In the event of an emergency involving a vehicle, the stickers help security to identify the owner. Parking is free for visitors, too. However, all visitors should sign the guest book at the information desk to the left inside of the main entrance on the Batavia Campus.

The college's parking regulations are designed to provide safe, accessible and convenient parking. They are summarized here:

Obtain and display a parking sticker in each vehicle you park on campus.

Park between two yellow lines in one of the two public lots on the west side of the campus. Do not park in fire lanes, fire exits, hydrants, side walks, driveways, loading zones, on the grass, in the circle in front of the Stuart Steiner Arts Center, or at an expired meter in the short-term parking area.

Park motorcycles only in designated motorcycle parking spots.

Obtain a “handicapped parking permit” from your town, village or city clerk’s office if you have a disability and wish to park in a handicapped spot. Do not park in spaces marked “reserved,” “no parking,” or “handicapped” unless you have a special permit to do so.

Do not park anywhere on campus between midnight and 6:00 a.m. unless you notify the public safety office in advance.

Maintain a speed of less than 20 miles per hour on campus.

Obey traffic signs, signals and pavement markings.

Call the public safety office if you encounter mechanical problems with your vehicle or wish to be escorted to your vehicle at any time.

Do not give or sell your parking sticker to anyone.

Parking Fines

Violation	1st Offense	2nd Offense
Failure to obtain or display parking sticker	\$5	\$20
Parking in handicapped space without permit	\$25	\$50
Parking in reserved space or “no parking” zone	\$15	\$30
Obstructing vehicular or pedestrian traffic; double parking	\$15	\$30
Parking on sidewalk, grass, along roadways	\$15	\$20
Parking at expired meter, overnight, or in circle, fire lane, or dock	\$5	\$20

Appeals

If you receive a parking violation notice, you have the right to appeal the notice and the fine. However, you must initiate the appeal within ten days from the time the parking violation notice is issued. You must pay the fine when you file the appeal form; the fine will be refunded if the appeal is upheld.

Generally, the only basis for an appeal is that the cited regulations were not violated, or the parking violation notice was issued in error. You may obtain a copy of the full appeals process and the full parking regulations policy from the public safety office.

Plagiarism & Cheating

Plagiarism is the dual act of presenting and claiming the words, ideas, data, or creations of others as one's own. Plagiarism may be intentional - as in a false claim of authorship - or unintentional - as in a

failure to document information sources using MLA, APA, CBE, or other style sheets or manuals adopted by instructors in the College. Presenting ideas in the exact or nearly exact wording as found in primary or secondary sources constitutes plagiarism, as does patching together paraphrased statements without in-text citation. Each faculty member will determine appropriate responses to plagiarism. Disciplinary action resulting from confirmed instances of plagiarism and/or cheating may include receipt of a failing grade on an assignment or the course, removal of a student from a class or expulsion of a student from the College. The term “cheating” includes, but is not limited to:

Use of any unauthorized assistance in taking quizzes, tests, or examinations

Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or

The acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.

As outlined in the Student Code of Conduct, penalties for plagiarism or cheating include, but are not limited to: receipt of a failing grade, suspension, or expulsion from the College.

Smoking

Genesee Community College complies with prevailing county and/or state regulations regarding smoking on the College Campus, including the College’s off-campus centers. Smoking is not allowed inside any College facility. Furthermore, smoking will not be permitted within 50 feet of the main entrance of the College.

Student Behavior on Campus

Genesee Community College recognizes the need to maintain policies and procedures related to student rights and responsibilities, in order to guide student actions and define the penalties which are to be imposed when the College’s Code of Conduct is violated. Genesee Community College, through these policies and procedures, seeks to establish in its students a sense of responsibility to themselves and to others who are citizens of the total College community. It is the College’s expectation that, while here, all students will take into consideration other individuals and their rights to an environment that is conducive to academic achievement and personal growth.

Attendance at Genesee Community College is a privilege and not a right. Genesee Community College operates on the assumption that the best environment for learning is an environment in which students, faculty, and staff treat one another with respect and courtesy. Students are expected to acquaint themselves with the syllabus of each class they take, and carefully note each individual instructor’s rules and procedures related to attendance, grading, due dates, and classroom courtesy. The College has the right and responsibility to take appropriate action when student conduct directly and significantly interferes with the College’s educational mission and the rights of others to pursue their educational objectives in an environment conducive to learning.

None of the above, however, is meant to diminish the value which the College places upon the rights of students to peaceful assembly, free inquiry, free speech, and due process. The purpose of the College's policies and procedures regarding student conduct is not to prevent or restrain controversy and dissent, but to prevent abuse of the rights of others and to maintain that public order appropriate to a college campus and an environment in which all are free to learn.

It shall be the responsibility of all students to familiarize themselves with Genesee Community College's Statement of Student Rights and Responsibilities (Code of Conduct). This responsibility constitutes an important part of the aforementioned due process guaranteed to all students. The Code of Conduct is available on the Genesee Community College website <http://www.genesee.edu/students/handbook.cfm>.

Student Records

In general, GCC students have access to their educational records, have the right to challenge the content of these records, and should expect that their records, with the exception of "directory information," will be released only upon their request. For additional information contact the Office of the Vice President for Student and Enrollment Services.

Student Tuition Liability, Refund, and Repayment of Title IV Funds Policies

The SUNY Board of Trustees has approved a resolution standardizing the refund policy for all New York State community colleges as of the fall semester 1998 establishing the following schedule of liability:

Student Tuition Liability - Regular Fall/Spring Semester

Time of Withdrawal	Liability
Prior to first day	0%
During first week	25%
During second week	50%
During third week	75%
After third week	100%

If you are enrolled in courses that meet for an eight-week (or shorter) term instead of a full semester, then the following schedule applies:

Student Tuition Liability - Regular Summer Term

Time of Withdrawal	Liability
Prior to first day	0
During first week	40%
During second week	70%
During third week	100%
After third week	100%

Student Tuition Liability - Courses Eight Weeks or Less in Duration

Time of Withdrawal	Liability
Prior to first day	0%
During first week	75%
During second week	100%
During third week	100%
After third week	100%

Student Tuition Liability - Non-credit Courses Less Than a Full Semester in Duration

Time of Withdrawal	Liability
Withdrawal before the first day or first class meeting	0%
Withdrawal before 10% of class time has elapsed	75% of tuition and 75% of fees
Withdrawal after 10% of class time has elapsed	100%

A tuition liability schedule for any term of any length other than those listed in the schedule above shall be similarly prorated.

No money shall be refunded unless written notice of withdrawal is submitted to the registrar.

Exceptions to Student Tuition Liability

1. There shall be no tuition/fee liability for a student who withdraws to enter military service prior to the end of an academic term for those courses in which the student does not receive academic credit.
2. A student who is dismissed for academic or disciplinary reasons prior to the end of an academic term shall be liable for all tuition and fees due for that term.
3. Students who received Veterans Administration benefits under Public Law 550 (82nd Congress— Act of July 16, 1952) and enrolled in a non-accredited program may not be charged on withdrawal in excess of the approximate prorated portion of the total.
4. Military personnel withdrawing from any program or term because of documented changes of assignment beyond their control shall be deemed to have incurred no liability for tuition and fees.

Repayment of Title IV Funds Policy

1. The amount of Title IV financial aid* that a student must repay is determined by using the Federal Formula for Return of Title IV funds as specified in Section 484B of the Higher Education Act. The amount of federal Title IV financial aid assistance that the student earns is determined on a pro-rata basis. Once the student has completed more than 60 percent of the payment period, all financial aid assistance is considered to be earned.

- A. Percent earned equals Number of calendar days completed up to the withdrawal date** divided by the total calendar days in the payment period with an allowance for any scheduled breaks that are at least five days long.
 - B. Percent unearned equals 100 percent minus percent earned
2. When a student has received federal financial aid in excess of earned aid, then the school returns the lesser of:
 - A. Institutional charges multiplied by the unearned percentage, or
 - B. Title IV federal financial aid disbursed, multiplied by the unearned percentage
3. When a student has received federal financial aid in excess of earned aid, then the student:
 - A. Returns any remaining unearned aid not covered by the school.
 - B. Repays any loan funds in accordance with the terms of the promissory note (that is, scheduled payments to the holder of the loan over a period of time.)
 - C. Returns any grant amount the student has to repay (considered a grand overpayment and arrangements must be made with the schools or Department of Education to repay the funds).
4. Unearned Title IV federal financial aid shall be repaid to the following programs in the following order:
 - A. Federal Unsubsidized Stafford Loan
 - B. Federal Subsidized Stafford Loan
 - C. Federal Parent Loan for Undergraduate Students (PLUS)
 - D. Federal Pell Grant
 - E. Federal Supplemental Education Opportunity Grant
 - F. Other Title IV Programs
5. The student is billed for funds the College is required to repay. The Business Office bills the student; and any account that is not paid results in restrictions to the student's school amount and referral to the College's collection agency.

The tuition and fees, procedures, and policies listed above supersede those published previously and are subject to change at any time.

*Federal Title IV financial aid includes the federal Pell Grant, Federal Supplemental Educational Opportunity Grant (FSEOG), federal Stafford Loans (Subsidized and Unsubsidized), federal Parent Loan for Undergraduate Students (PLUS), and other Title IV Programs.

**Withdrawal date is defined as the actual date the student begins the institution's withdrawal process, the student's last date of academic-related activity, or the midpoint of the payment period for the student who leaves without notifying the institution.

The College will not dismiss or waive a student liability created by a refund issued to a student based on financial aid when such aid is subsequently cancelled or reduced.

Tuition Refund Appeals Process

Students who complete an official withdrawal form will receive a refund of tuition and fees in accordance with the “Student Tuition Liability” schedule as outlined in the Genesee Community College catalog. Students who fail to complete an official withdrawal form will not be eligible to receive a tuition refund.

Students who feel they have extenuating circumstances which justify an exception to the SUNY refund policy (e.g., medical incapacitation, death in immediate family) may appeal for special consideration to the vice president of finance and operations. Such appeals must be submitted in writing with the Tuition Refund Appeal Form and supporting documentation, and be received no later than 120 days after the end of the term for which the tuition liability was incurred. Approved refunds will be limited to 75 percent of tuition and fees.

The College will not consider an appeal for a term in which the student has received or will receive credit. The College will not dismiss or waive a liability created by a refund issued to a student based on financial aid when such aid is subsequently cancelled or reduced.

Students who remit partial payment and/or request a deferment based on pending financial aid, and who are not administratively dropped from courses because of same, will be financially obligated to the College for the unpaid balance, regardless of attendance.

ALCOHOL AND DRUG PREVENTION POLICIES AND INFORMATION

The Drug-Free Schools and Communities Act, signed by President Bush on December 12, 1989, requires all colleges to inform students and employees of the health risks, legal sanctions, programs of help and institutional policies regarding the illicit use of drugs and the abuse of alcohol.

Genesee Community College's policy concerning illegal alcohol and drug use is governed by New York State and federal laws. Students should be aware of the following:

Policy on Alcohol

Unauthorized possession, consumption, and/or distribution of alcoholic beverages on campus or at off-campus College functions is forbidden. Any event held on campus where alcohol will be served, irrespective of whether it is a College-sponsored event, must have the approval of the president or his/her designee.

An approved social function shall be any event so deemed by the formal approval of the president or his/her designee. The president is authorized to establish procedures for determining the appropriateness of specific requests for the use of alcoholic beverages for on and off campus, for all College endorsed and/or approved social functions.

Alcohol & Drug Addiction - Identifying Those in Need

Alcoholism

- No two alcoholics begin exactly alike. One thing all alcoholics seem to have in common is that, as time passes, the drinking gets worse.
- There is no such thing as being "a little bit alcoholic."
- Because the illness progresses in stages, some alcoholics show more extreme symptoms than others, some none at all; but once problem drinkers cross over the line into alcoholism, they cannot turn back.
- On an average, one out of every ten employees is an alcoholic.
- Every problem drinker adversely affects an average of four other persons in his or her family, and more than one friend, as well as business associates.
- Half of all fatal accidents occurring on the roads today involve a drinking driver.
- Chronic brain injury caused by alcohol is second only to Alzheimer's Disease as a known cause of mental deterioration in adults.
- Alcoholism ranks among cancer, mental illness, and heart disease as one of the four major national health threats.
- Children of alcoholics have a four times greater risk of developing alcoholism than children of non-alcoholics.
- There is no known cure for alcoholism, but an alcoholic can recover and there are many resources that can help.

Drug Addiction

- Even for the hardest working student or employee, it is hard to succeed when the most important thing in your life is to stay high.
- The addict will push family, friends, teachers, and employers farther away, until there is nothing left of the individual who once was loved and respected. With some drugs, just one experiment may lead to addiction.
- What you may see in an addict or developing user is weight loss, loss of interest in physical appearance or grades, chronic runny nose, frequent respiratory infections. These are symptoms of someone using cocaine, or rock cocaine, but they do not necessarily all occur at the same time.
- What you cannot see happening to the “crack” or cocaine user is the dramatic rise in blood pressure, heart rate, and temperature. The arteries narrow, restricting blood flow to the heart. The heart may beat abnormally and ineffectively. The result may be a heart attack or death.
- To addicts, money buys drugs. Food, rent, grades, mortgage or car payments, general health, spouses, friends, children, and the law do not really matter.
- Sexual diseases are frequently transmitted by drug addicts. Addicts are not known to be consistently honest and concerned about others’ welfare. Many sexually transmitted diseases have cures, some may require long-term medication. Most are not fatal, except AIDS.
- Reduced judgment while drinking alcoholic beverages may lead to experimenting with illegal and dangerous drugs. Addiction, significant health hazards, and serious accidents could result in permanent physical or mental damage, even death.
- Tobacco is a drug. Long-term use is linked to lung cancer, heart disease and emphysema. For some heavy and long-term smokers, quitting smoking can be as difficult as quitting heroin.

Help, Resources, and Confidentiality

Genesee Community College Health Center

The health center provides health counseling and confidential referral. Generally the health center is open Monday through Friday from 9:00 a.m. to 3:00 p.m. Call (585) 345-6835.

Genesee Community College Counselor

Counselors will meet privately and confidentially with employees and students to assess their concerns, referring them to an appropriate service, professional, or agency when necessary. If referral is determined to be the best course of action, residents of Genesee County will be referred to the Genesee Council on Alcoholism and Substance Abuse, Inc. If you are a resident of another county, the staff will recommend the best agency in that county.

Students whose permanent residence is distant from GCC will be referred to the Genesee Council of Alcoholism and Substance Abuse, Inc. Discussions, diagnosis, and records are protected by professional standards of confidentiality and do not become part of the student’s folder. Call (585) 343-0055 ext. 6257.

EAP (for GCC Civil Service Employees)

The Employee Assistance Program (EAP) is a service of Genesee Council on Alcoholism and Substance Abuse, Inc., which is located at 30 Bank Street in Batavia. As an employee of GCC, discussions, diagnosis and records are protected by professional standards of confidentiality. Records do not become part of the personnel folder or extension file. Call (585) 343-1124.

Genesee Council on Alcoholism and Substance Abuse, Inc.

Genesee Council on Alcoholism and Substance Abuse, Inc. offers initial evaluation, counseling, and referral for employees of Genesee Community College and their families dealing with a variety of problems, such as:

- Alcohol abuse or alcoholism Drug abuse (legal or illegal substance)
- Stress and life crises Emotional problems (depression, anxiety, etc.)
- Marital problems

RAP

RAP is an emergency service, staffed with caring people who are trained to direct you toward the help and you may need, when the intensity of the moment requires immediate attention. Wherever you are, RAP can help. The RAP Crisis Hotline is available twenty-four hours a day. Call (585) 343-1212, or toll-free 1-800-359-5727.

Alcoholics Anonymous

Alcoholics Anonymous holds weekly meetings at Genesee Community College when requested by students. Student Alcoholics Anonymous meetings can be arranged by contacting the Director of Student Activities at (585) 343-0055 ext. 6261.

POLICY ON DRUG-FREE WORKPLACE AND CAMPUS

Genesee Community College endorses the efforts of federal, state, and local governments to eliminate drug abuse. The College complies with the federal Drug-Free Workplace Act of 1988 which includes the following policies:

1. The unlawful manufacture, distribution, dispensing, possession, or use of an illegal controlled substance by employees or students is prohibited in and on Genesee Community College owned or controlled property.
2. No employee will report to work while under the influence of an illegal controlled substance.
3. Violation of these rules by an employee will be reason for mandatory evaluation and treatment for substance use disorder and/or disciplinary action up to and including termination.
4. Violation of these rules by a student will be reason for mandatory evaluation and treatment for a substance use disorder and/or for loss of financial aid and/or for disciplinary action up to and including suspension or permanent expulsion from the College.

The President has been authorized to establish such procedures as are necessary to implement this policy, and to make such reports as are required.

New York State and Federal Laws Concerned with Alcohol and Drugs

- Effective January 1, 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverages with intent to consume the beverage. Violators are subject to a fine.
- Effective November 1, 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to \$100.00 and a community service requirement of up to 30 hours.
- Effective October 19, 1989, a person under the age of 21 who presents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to 90 days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.
- All controlled substances that are illegally possessed, grown, manufactured, distributed, or sold by an individual or group are subject to arrest and conviction. Depending on the drug and the particulars of the arrest, there are many penalties that may include mandatory fines and jail sentences. An individual convicted of an illegal drug offense may have a permanent police record that could significantly reduce and impair the individual's personal rights and quality of life. GCC Security will confiscate all illegal substances and will file police reports with the appropriate law enforcement agencies.

POLICY ON SEXUAL HARASSMENT

Sexual harassment in the workplace is not merely an offensive working condition, it is against the law. Like harassment on the basis of color, race, religion or national origin, sexual harassment which discriminates on the basis of gender is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended and the New York State Human Rights Law.

An essential part of Genesee Community College's Equal Opportunity Commitment is to maintain a working and learning environment in which employees and students are able to work and to learn without physical or verbal harassment of any kind.

Prohibited behavior, which may be either physical or verbal, is defined by the Federal guidelines as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Although these federal guidelines and New York State policy apply to sexual harassment in the work place, both the State University of New York and Genesee Community College policies make them also applicable to students pursuing education or other activities at Genesee Community College.

Sexual harassment will not be tolerated at Genesee Community College. In keeping with Board of Trustees Policy #1021, approved on September 14, 1981, every effort will be made to investigate and resolve sexual harassment complaints.

Sexual harassment is a form of employee misconduct, and in order to assure that the College remains free of such behavior, complaints of alleged harassment will be investigated in a swift and thorough manner, and appropriate sanctions will be enforced. If an employee or student considers himself or herself to be a victim of such harassment, he or she can file a complaint with the Affirmative Action officer after discussing the problem with the party concerned. If a resolution is not reached, the Affirmative Action officer will investigate the complaint with due regard for the confidentiality of the parties involved in order to ensure appropriate protection for the complainant and the accused. Harassment is illegal, and abusers may face legal charges.

POLICY ON SEXUAL ASSAULT

1. Genesee Community College will regularly offer literature and information on sexual assault prevention to students attending the college.
2. Genesee Community College will enforce all the relevant and applicable laws, ordinances, and regulations of the state of New York, including the civil rights of accused individuals.
3. For the protection of all students, faculty, and staff, Genesee Community College will record all sexual offenses that occur on campus, notify an appropriate law enforcement agency of sexual offenses reported to public safety or college personnel, and assist in investigative activities with the intent to prosecute sexual assailants.
4. To ensure appropriate care and support of sexual assault victims, the college counselors will be available for consultation and counseling for victims of sexual assault.

College counselors will provide specific information and encouragement so that victims can promptly seek emotional, medical, and legal advisement and services offered through the Genesee County Rape Crisis Center (a free twenty-four hour confidential service of Planned Parenthood, 1-800-527-1757) and/or other appropriate agencies. Counselors can also help students deal with such issues as faculty notification related to absences, dealing with roommates, parents, friends, etc., and other appropriate campus-related issues.

5. Genesee Community College will expel any student convicted of a sexual offense. In addition, the college will use its existing Student Conduct Code as a means of addressing any charges of sexual assault on campus.

College counselors are usually available only during the fall and spring academic semesters. During summer months or other times of the year, students should contact the Vice President of Student and Enrollment Services.

Guidelines for Students Who Feel They Are Being Sexually Harassed

- Say no! Say it firmly, without smiling, without apologizing. Ignoring the situation will seldom make it go away. Keep a record of what occurred. Include direct quotes, witnesses, and patterns of harassment. Save any cards or letters sent to you, however innocuous they might seem.
- Take action. Talk to Student Activities' staff (ext. 6261), college counselors (ext. 6232), the Vice President for Student and Enrollment Services (ext. 6219), or a faculty member with whom you are comfortable. You can talk to these people as your first step in dealing with the situation or after you have tried to resolve it yourself.
- Explore additional options and/or file a complaint with Dr. Larene Hoelcle, Affirmative Action officer (ext. 6202). If you file a complaint all proceedings will be private and not open to the public. No person will be adversely treated because of filing a complaint.

Guidelines for Students Who Feel They Are Being Sexually Assaulted

- Get to a safe place as soon as you can
- Call 911
- Contact the Genesee Community College Office of Public Safety
- Try to preserve all physical evidence; do not bathe, douche, or change your clothes

Remember, assaults – sexual or otherwise – are crimes; they are not the victims' fault. Victims have the right to pursue adjudication of crimes that occur on the Genesee Community College campus through criminal courts and/or through the College's internal disciplinary process (under the Code of Conduct). Genesee Community College Public Safety officers are trained to assist with prosecution in both systems.

Information and Support

If you are the victim of sexual assault or sexual misconduct, you may seek support services as well as the assistance described above through the College's personal counselors or through the Office of the Vice President for Student and Enrollment Services.

Educational Programs

Educational programs to promote awareness of rape, acquaintance rape, and sex offenses are presented to the campus community through literature, informational films, and workshops (e.g., held at College Village but sponsored by Student Activities and open to all students.)

If You Are Raped or Sexually Assaulted

Know Your Rights

Recognize that you have choices and rights. Knowing in advance what to expect emotionally and what your legal rights and options are may aid you in dealing with a terrible situation. Your choices include pressing charges or reporting the assault anonymously. Many victims feel that reporting the crime and pressing charges help them regain control of their lives and feel less like victims. Your report may prevent it from happening to someone else.

Seek Support

Any sexual assault results in tremendous trauma. Get all the support you need as quickly as possible. Many victims feel ashamed or embarrassed; some think no one will believe them. Still others don't think what has happened is rape because it occurred on a date with a known person. Remember, if you didn't say yes, it is rape.

Think

Instinctively, many victims want to become clean and wash away any lingering evidence of their abuser or of the ordeal. Often victims take showers and throw away their clothing after being sexually assaulted. Should you wish to press charges, you'll want to curb these instincts. Physical and medical evidence of rape (verified by a physician) is critical to the prosecution process.

What Is Sexual Assault?

Rape and sexual assault are violent or unwanted activities committed through sexual acts. They encompass any sexual activity inflicted upon a person that is unwanted or not consented to, by that person. Lack of consent is the common element in all rapes or all forms of sexual assault.

Sexual offenses include all unwanted sexual intercourse, deviate sexual intercourse and sexual abuse by sexual contact (the touching of a person's sexual or intimate parts either directly or through clothing for the purpose of sexual gratification), and aggravated sexual abuse.

Sexual offenses in New York State are classified as felonies and may include prison terms of a minimum of 18 months up to a maximum of nine consecutive lifetimes. New York State penal laws regarding sex offenses and their required punishments are determined by the following factors—lack of consent, forcible compulsion and injuries, age of victim, inability to resist due to age, and/or mental or physical limitations.

Myths of Rape

- Rape is an expression of sexual desire.
- Victims are to blame in some way for the assault such as provocative dress, walking alone at night, or partying.
- Men can't stop themselves when they are sexually aroused.
- Rape, sexual assault, and child sexual abuse usually are committed by strangers.
- It's no big deal if a person is forced to have sex with someone she or he knows (for example, a friend, date, or spouse)—and it isn't really rape.
- If the victim was drunk or drugged, she or he was "asking for it."
- Most rapists rape only one time.

Facts

- Rape is an expression of hostility and aggression with sex as the vehicle.
- The rapist is always responsible for having committed the rape. Regardless of the victim's appearance, behavior, judgment or previous actions, the victim is not responsible for the rape.

- Men are capable of, and responsible for, controlling both their minds and their bodies, just as women are.
- Studies show rape, sexual assault, and child sexual abuse are most often committed by family members, friends, or acquaintances of victims.
- Sexual intercourse forced by an acquaintance or date is rape. It is especially traumatic because the victim's trust in others and her or his own judgment can be seriously damaged.
- Inability to give consent is not "asking for it." In New York State, forcing sexual contact on a woman or man is against the law.
- Most rapists rape again, and again, and again—until caught.

Staying Safe On and Off Campus

Most rapes and sexual assault incidents occur in surroundings familiar to the victim. Studies indicate that 85 percent of rapes might have been avoided if the victims had been more aware, better prepared and had used better precautions. Here are some tips which might help you:

Be Aware of Your Environment

It is difficult to recognize a problem developing under the influence of alcohol and drugs. Drinking and taking drugs may impair your judgment, your ability to speak, and your reaction time. You may lose a critical advantage in avoiding a rape or sexual assault because you couldn't think and react quickly.

Trust Your Instincts

If you sense danger, trust your instincts and get out. If you begin to feel uncomfortable on a date, trust yourself, and get out. Be afraid for your body. Don't be embarrassed to make a scene. You are not the one whose behavior is unacceptable.

Look and Act Alert

Rapists rely on the element of surprise and seek victims who look vulnerable. Walk with determination, confidence and speed. Always keep one hand free; a person with both hands occupied appears more vulnerable. Body language can be important in avoiding rape. Slumped shoulders, wandering or looking lost or preoccupied may provide a rapist with his next victim.

Avoid Dangerous Places

Get specific directions to places you have never been. Personal safety also means taking precautions and making arrangements. Instead of hoping to find a ride home from a late class, or a partner to walk from class to College Village or to the parking lot, plan ahead. If you have no one on whom you can rely, contact campus security before class. Tell a security officer the date, time, and place you will need an escort. Don't ever walk alone at night or hitchhike.

Lock Up

Lock your car door and check the car before you get in. Lock your apartment or student housing doors at all times. Check all your locks. Request a dead bolt lock, one that cannot be opened from the outside. Chain locks can be made more useful by using longer screws that reach into the beam behind the door molding. Check window locks. Be ready to use your keys. Don't stand fumbling through book

bags or purses. Close your blinds and shades at night. Make sure apartment parking lots, alleys, and hallways have adequate lighting. Do not open doors to strangers.

Know Where You Can Get Help

A campus phone is located between the pay phones on your left as you enter the building from the main entrance. Another campus phone is adjacent to the information desk on the ground floor. A third campus phone is located on the third floor of the main building, on the wall of the walkway between the B and C sections. Find out where public phones are located in the areas that you habitually drive. Write down important phone numbers and keep them near your home, apartment or student housing phone.

Learn More

Take self-defense classes if possible. Attend the Information Fair (on a variety of students groups and services including information on sexual assault and rape), other on-campus discussions, seminars, or special films.

Tell Someone Who Can Help

If you sense danger or feel uncomfortable find appropriate help immediately. If the problem occurs on campus, speak to a professor, security officer, counselor, college nurse, dean of students, director of student services, or other staff member. If the problem occurs off-campus, contact the police, speak to a resident assistant if appropriate, and notify the Vice President of Student Services immediately. For any stressful situation, Genesee Community College encourages students to contact a College counselor for support and recommendations. Call (585) 343-0055 ext. 6257.

Reading Materials

Precautions alone cannot prevent sexual assault. Anyone can be a victim. However, planning your actions if someone attempted to rape or sexually assault you, may better your chances of ending the attempt. Literature on rape, date rape, and sexual assault might be helpful. Contact the College Library at (585) 343-0055 ext. 6350 or the College counselor at (585) 343-0055 ext. 6257 for suggestions.

Disciplinary Action

Where there is probable cause to believe the College's regulations prohibiting sexual misconduct have been violated, the College will pursue strong disciplinary action through its own channels. This discipline includes the possibility of suspension or dismissal from the college.

An individual charged with sexual misconduct will be subject to college disciplinary procedures, whether or not prosecution under New York State Criminal Statutes is pending.

The College will make every effort to be responsive and sensitive to the victims of these serious crimes. Protection of the victim and prevention of continued trauma is the College's priority.

Assistance for any other personal or academic concerns will be reviewed and options provided.

During the disciplinary process, the victim's rights are:

- To have a person or persons of the victim's choice accompany the victim throughout the disciplinary hearing.

- To remain present during the entire proceeding.
- As established in state criminal codes, to be assured that his/her irrelevant past sexual history will not be discussed during the hearing.
- To make a "victim impact statement" and to suggest an appropriate penalty if the accused is found in violation of the code.
- To be informed immediately of the outcome of the hearing.

During the disciplinary process, the rights of the "accused" are as described under the due process clauses of the Code of Conduct.

APPLICABLE LAWS, ORDINANCES, AND REGULATIONS ON SEX OFFENSES

Genesee Community College has programs in place to protect all members of the College community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of Genesee Community College.

NYS Law contains the following legal provisions defining the crimes related to sexual assault:

Section 130.20 – Sexual Misconduct. This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

Section 130.25/30/35 – Rape. This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.40/45/50 – Criminal Sexual Act. This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.52 - Forcible Touching. This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person's sexual or other intimate parts. The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

Section 130.55/60/65 – Sexual Abuse. This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

Section 130.65-a/66/67/70 – Aggravated Sexual Abuse. This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

Specific Sex Offense Laws - Article 130 - Sex Offenses

130.00 Sex offenses; definitions of terms.

130.05 Sex offenses; lack of consent.

130.10 Sex offenses; defense.

130.16 Sex offenses; corroboration.

130.20 Sexual misconduct.

130.25 Rape in the third degree.

130.30 Rape in the second degree.	130.50 Sodomy in the first degree.	130.70 Aggravated sexual abuse in the first degree.
130.35 Rape in the first degree.	130.60 Sexual abuse in the second degree.	130.75 Course of sexual conduct against a child in the first degree.
130.38 Consensual sodomy.	130.65 Sexual abuse in the first degree.	130.80 Course of sexual conduct against a child in the second degree.
130.40 Sodomy in the third degree.	130.66 Aggravated sexual abuse in the third degree.	130.85 Female genital mutilation.
130.45 Sodomy in the second degree.	130.67 Aggravated sexual abuse in the second degree	

§130.00 Sex offenses; additional definitions of terms.

The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2. "Deviant sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and penis, or the mouth and the vulva.
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing.
4. "Female" means any female person who is not married to the actor. For the purposes of this article "not married" means:
 - (a) the lack of an existing relationship of husband and wife between the female and the actor which is recognized by law, or
 - (b) the existence of the relationship of husband and wife between the actor and the female which is recognized by law at the time the actor commits an offense proscribed by this article by means of forcible compulsion against the female, and the female and actor are living apart at such time pursuant to a valid and effective:
 - i) order issued by a court of competent jurisdiction which by its terms or in its effect requires such living apart, or
 - (ii) decree or judgment of separation, or
 - (iii) written agreement of separation subscribed by them and acknowledged in the form required to entitle a deed to be recorded which contains provisions specifically indicating that the actor may be guilty of the commission of a crime for engaging in conduct which constitutes an offense proscribed by this article against and without the consent of the female.
5. "Mentally defective" means that a person suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.
6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.
7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.
8. "Forcible compulsion" means to compel by either:
 - (a) use of physical force; or
 - (b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis or rectum, is capable of causing physical injury.
10. "Sexual conduct" means sexual intercourse, deviate sexual intercourse, aggravated sexual contact, or sexual contact.
11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child. (Eff.8/1/96, Ch. 122, L 1996)

§130.05 Sex offenses; lack of consent.

1. Whether or not specifically stated, it is an element of every offense defined in this article, except the offense of consensual sodomy, that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
 - (a) Forcible compulsion; or
 - (b) Incapacity to consent; or
 - (c) Where the offense charged is sexual abuse, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct.
3. A person is deemed incapable of consent when he or she is:
 - (a) less than seventeen years old; or
 - (b) mentally defective; or
 - (c) mentally incapacitated; or
 - (d) physically helpless; or
 - (e) committed to the care and custody of the state department of correctional services or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital. For purposes of this paragraph, "employee" means
 - (i) an employee of the state department of correctional services who performs professional duties in a state correctional facility consisting of providing custody, medical or mental health services, counseling services, educational programs, or vocational training for inmates;
 - (ii) an employee of the division of parole who performs professional duties in a state correctional facility and who provides institutional parole services pursuant to section two hundred fifty-nine-e of the executive law; or
 - (iii) an employee of the office of mental health who performs professional duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law, consisting of providing custody, or medical or mental health services for such inmates; or
 - (f) committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. (Eff. 8/1/96, C&266, L 1996)

§130.10 Sex offenses; defense.

In any prosecution under this article in which the victim's lack of consent is based solely upon his incapacity to consent because he was mentally defective, mentally incapacitated or physically helpless, it is an affirmative defense that the defendant, at the time he engaged in the conduct constituting the offense, did not know of, the facts or conditions responsible for such incapacity to consent.

§130.16 Sex offenses; corroboration.

A person shall not be convicted of consensual sodomy, or an attempt to commit the same, or of any offense defined in this article of which lack of consent is an element but results solely from incapacity to consent because of the victim's mental defect, or mental incapacity, or an attempt to commit the same, solely on the testimony of the victim, unsupported by other evidence tending to:

- (a) Establish that an attempt was made to engage the victim in sexual intercourse, deviate sexual intercourse, or sexual contact, as the case may be, at the time of the occurrence; and
- (b) Connect the defendant with the commission of the offense or at tempted offense.

§130.20 Sexual misconduct

A person is guilty of sexual misconduct when:

1. Being a male, he engages in sexual intercourse with a female without her consent; or
2. He engages in deviant sexual intercourse with another person without the latter's consent; or
3. He engages in sexual conduct with an animal or a dead human body.

Sexual misconduct is a class A misdemeanor.

§130.25 Rape in the third degree.

A person is guilty of rape in the third degree when:

1. He or she engages in sexual intercourse with another person to whom the actor is not married who is incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than seventeen years old.

Rape in the third degree is a class E felony.

§130.30 Rape in the second degree.

A person is guilty of rape in the second degree when, being eighteen years old or more, he or she engages in sexual intercourse with another person to whom the actor is not married less than fourteen years old.

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old.

Rape in the second degree is a class D felony.

Rape in the first degree is a class B felony.

§130.38 Consensual sodomy.

A person is guilty of consensual sodomy when he engages in deviant sexual intercourse with another person.

Consensual sodomy is a class B misdemeanor.

§130.40 Sodomy in the third degree.

A person is guilty of sodomy in the third degree when:

1. He engages in deviate sexual intercourse with a person who is incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Being twenty-one years old or more, he engages in deviant sexual intercourse with a person less than seventeen years old.

Sodomy in the third degree is a class E felony.

§130.45 Sodomy in the second degree.

A person is guilty of sodomy in the second degree when, being eighteen years old or more, he engages in deviant sexual intercourse with another person less than fourteen years old.

Sodomy in the second degree is a class D felony.

§130.50 Sodomy in the first degree.

A person is guilty of sodomy in the first degree when he engages in deviant sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old.

Sodomy in the first degree is a class B felony.

§130.55 Sexual abuse in the third degree.

A person is guilty of sexual abuse in the third degree when he subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that

- (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and
- (b) such other person was more than fourteen years old, and
- (c) the defendant was less than five years older than such other person.

Sexual abuse in the third degree is a class B misdemeanor.

§130.60 Sexual abuse in the second degree.

A person is guilty of sexual abuse in the second degree when he subjects another person to sexual contact and when such other person is:

1. Incapable of consent by reason of some factor other than being less than seventeen years old; or
2. Less than fourteen years old.

Sexual abuse in the second degree is a class A misdemeanor.

§130.65 Sexual abuse in the first degree.

A person is guilty of sexual abuse in the first degree when he subjects another person to sexual contact:

1. By forcible compulsion; or
2. When the other person is incapable of consent by reason of being physically helpless; or
3. When the other person is less than eleven years old.

Sexual abuse in the first degree is a class D felony.

§130.66 Aggravated sexual abuse in the third degree.

1. A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person:

- (a) By forcible compulsion; or
- (b) When the other person is incapable of consent by reason of being physically helpless; or
- (c) When the other person is less than eleven years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated sexual abuse in the third degree is a class D felony.

§130.67 Aggravated sexual abuse in the second degree.

1. A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the vagina, urethra, penis, or rectum of another person causing physical injury to such person:

- (a) By forcible compulsion; or
- (b) When the other person is incapable of consent by reason of being physically helpless; or
- (c) When the other person is less than eleven years old.

2. Conduct performed for a valid medical purpose does not violate the provisions of this section.
Aggravated sexual abuse in the second degree is a class C felony.

§130.70 Aggravated sexual abuse in the first degree.

1. A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:
 - (a) By forcible compulsion; or
 - (b) When the other person is incapable of consent by reason of being physically helpless; or
 - (c) When the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.
Aggravated sexual abuse in the first degree is a class B felony.

§130.75 Course of sexual conduct against a child in the first degree.

- (a) A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration, he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, deviant sexual intercourse or aggravated sexual contact, with a child less than eleven years old.
- (b) A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the first degree is a class B felony.

§130.80 Course of sexual conduct against a child in the second degree.

- (a) A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration, he or she engages in two or more acts of sexual conduct with a child less than eleven years old.
- (b) A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of sexual conduct against a child in the second degree is a class D felony.

§130.85 Female genital mutilation.

1. A person is guilty of female genital mutilation when:
 - (a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
 - (b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia major or labia minora or clitoris.
2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:
 - (a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or
 - (b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.
3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or an other person that such procedure is required as a matter of custom or ritual.

Female genital mutilation is a class E felony. (Eff.11/1/97,CH618,L.1997)

Ethical Guidelines for Faculty and Student Interaction

1. Demonstrating respect for the autonomy, dignity, and individuality of students: Respecting the autonomy of students means affirming the rights of individuals to make their own informed decisions, even if they seem to be mistaken, as long as their actions do not infringe on the welfare of others. Respecting the dignity of students means creating an environment which encourages mutual courtesy and attentiveness. Respecting the individuality of students means valuing difference. Honoring diversity requires creating and maintaining an environment where race, ethnicity, gender, sexual orientation, age, disability and other distinctions among people are recognized as contributions to the vitality of the college community.
2. Adhering to the proper role of intellectual guide and counselor: The proper role of intellectual guide and counselor entails the obligation to actively promote the individual intellectual achievement and academic welfare of each student.
3. Respecting the trust involved in the relationship between professor and student: Trusting relationships are essential to faculty-student communication. This implies that there will be honest, straightforward presentation of information, clarification of what is possible and what is not, and fulfillment of commitments. Students have a right to expect faculty members to respect their confidences and to act in their best interest.
4. Avoiding any exploitation of students: The exploitation of students refers to both psychological and physical harm and applies to policies and procedures, as well as individual acts. There is a special ethical obligation when two parties, such as faculty members and students, are unequal in power. The more powerful party has the obligation to ensure fair and respectful treatment of the less powerful party.

How to File a Complaint with the New York State Department of Education

Section 494 C (j) of the Higher Education Act of 1965, as amended, provides that a student, faculty member, or any other person who believes he or she has been aggrieved by an institution of higher education has the right to file a written complaint.

In New York State, a complaint may be filed by any person with reason to believe that an institution has acted contrary to its published standards or that conditions at the institution appear to jeopardize the quality of the institution's instructional programs or the general welfare of its students. Any person who believes he or she has been aggrieved by an institution on or after May 4, 1994, may file a written complaint with the New York State Department of Education within three years of the alleged incident, after first trying to resolve the complaint directly with the institution by following the internal procedures provided by the institution. Genesee Community College has developed Complaint Procedures and they are on file in the Office of the Vice President for Student and Enrollment Services. To receive a copy of these procedures, or to receive advice on filing a formal complaint, please contact the Office of the Vice President for Student and Enrollment Services for further information.

GENESEE COMMUNITY COLLEGE STUDENT CODE OF CONDUCT

Genesee Community College recognizes the need to maintain policies and procedures related to student rights and responsibilities in order to guide student actions and define the penalties which are to be imposed when the student's code of conduct is violated. It shall be the responsibility of all students to familiarize themselves with Genesee Community College's student code of conduct, known as the Statement of Student Rights and Responsibilities. This code of conduct is available at Genesee Community College's website <http://www.genesee.edu/students/handbook.cfm>.

Preamble

As stated in its Mission Statement, "Genesee Community College is a public, open admission, learner-centered college. The college community values diversity and welcomes all who can benefit as they seek to attain their educational, career, and personal goals. . . . Genesee Community College commits to providing educational experiences which promote intellectual and social growth, workforce and economic development, and global citizenship." Moreover, Genesee Community College is "respectful of its students, its staff, and its community."

In compliance with those purposes, Genesee Community College recognizes the need to maintain policies and procedures related to student rights and responsibilities, in order to guide student actions, assure that students are informed, and define the penalties which are to be imposed when the College's code of conduct is violated. Genesee Community College, through these policies and procedures, seeks to establish in its students a sense of responsibility to themselves and to the others who are citizens of the total College community. It is the College's expectation that, while here, all students will take into consideration other individuals and their rights to an environment that is conducive to academic achievement and personal growth.

Attendance at Genesee Community College is a privilege and not a right. The College has the right and responsibility to take appropriate action when student conduct directly and significantly interferes with the College's educational mission and the rights of others to pursue their educational objectives in an environment conducive to learning.

None of the above, however, is meant to diminish the value which the College places upon the rights of students to peaceful assembly, free inquiry, free speech, and due process. The purpose of the policies and procedures stated herein is not to prevent or restrain controversy and dissent, but to prevent abuse of the rights of others and to maintain that public order appropriate to a college campus and an environment in which all are free to learn.

It shall be the responsibility of all students to familiarize themselves with Genesee Community College's Statement of Student Rights and Responsibilities as set out in this Code of Conduct and in other documents such as the College Catalog, bylaws of Genesee Community College organizations, class syllabi, the College's website, etc.) This responsibility constitutes an important part of the aforementioned due process guaranteed to all students.

I. Definitions

1. The term "College," as used herein, means Genesee Community College.

2. The term “student,” as used herein, includes all persons taking courses – full or part-time – and any and all persons involved in programs – including grant-funded programs — held at the College or any off-campus site or center. Additionally, an individual is considered a “student” whether or not such courses or programs are offered on a physical campus or site, or via distance learning, the Internet, or any other means of course delivery technology.
3. The term “faculty member” means any person hired by the College to conduct classroom or other instructional activities.
4. The term “College official” means any person hired by the College to work in a faculty, administrative, or security role, and any other staff member designated to serve as a College official.
5. The term “member of the College community” includes any person who is a student, faculty member, administrator, or any other person employed by the College.
6. The term “College premises” includes all land, buildings, and facilities in the possession of or owned, used, or controlled by the College, including any and all off-campus centers and sites.
7. The term “campus” shall refer to any college premises, described in (6), above.
8. The term “judicial body” means any person or persons authorized by the President of the College, the President’s designee, or the Vice President for Student and Enrollment Services to determine whether a student has violated the Student Conduct Code. The judicial body may be appointed by and at the discretion of the above named persons and may be — but is not required to be — the Judiciary of the Student Government Association, under terms spelled out in the Student Government Association’s Constitution.
9. The term “shall” is used in the imperative sense.
10. The term “may” is used in the permissive sense.
11. The “Vice President for Student and Enrollment Services” is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.
12. The term “policy” is defined as the written regulations of the College as found in, but not limited to: the Student Conduct Code; the Policies and Procedures Manual of Genesee Community College; and the most recently published Genesee Community College Catalog and the Student Rights and Responsibilities Handbook. If at any point there appears to be a conflict among these documents, the policies as defined in the Policies and Procedures Manual of Genesee Community College shall prevail and any other documents shall be updated to conform.
13. The term “cheating” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material, belonging to a member of the College faculty or staff.
4. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

15. The terms “Student Code,” “Code of Conduct,” “Code,” and “Student Responsibilities” shall all be considered to be synonymous in this document.

II. Students Rights

1. FREEDOM TO LEARN

In accordance with Federal regulations, the New York State Human Rights Law, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, Genesee Community College does not discriminate on the basis of age, race, color, creed, gender, religion, marital status, veteran status, national origin, disability or sexual orientation in educational programs, activities, admissions, and employment. However, admission to a specific curriculum is not guaranteed, because certain curricula, such as nursing, require prerequisites for admission. Additionally, the Director of Admissions may require any or all applicants (other than Accelerated College Enrollment, Advanced Studies/College Today students) who do not have a high school diploma or GED to meet the Federal definition of Ability to Benefit in order to qualify to attend, audit, or otherwise participate in classes at Genesee Community College. The name of the current Affirmative Action Officer is listed in the College Catalog and other appropriate publications. The ultimate criterion for admission shall be the student’s ability to benefit from the educational experience. Neither student nor instructor shall be deprived of the tenets of academic freedom, including open discussion and investigation and the College shall be ever conscious of and shall promote the motto of the State University- “To Learn - To Search - To Serve”. Faculty shall evaluate student performance according to current academic guidelines and students shall have the right to challenge a grade according to the procedures in Article V, Section 1 of this document.

2. FREEDOM TO PARTICIPATE IN THE COLLEGE COMMUNITY

Student representatives shall be voting members of the Academic Senate and its standing committees and voting members of the Genesee Community College Association, Inc. Students may also form student clubs and organizations, subject to the provisions and approval of the Student Government Association. Advisors shall serve as consultants for student groups and organizations.

Students shall have the right to assembly and the right to invite speakers and guests and to discuss issues of their choice. Such programs must be sponsored by recognized student groups and be deemed appropriate to a college setting. The College reserves the right to make the final decision regarding appropriateness of such assemblies and any dispute regarding such appropriateness must be referred to the Vice President for Student and Enrollment Services. No student gathering or assembly shall physically obstruct the movement of others, deprive others of the opportunity to speak or be heard, represent their views as the views of the College or disrupt the educational or institutional process in ways which interfere with the freedom of others.

3. PERSONAL FREEDOM

The College shall not act as the arbiter of personal behavior or morals unless the conduct in question violates the rights of others, the Mission of the College, and/or these policies and procedures. Regulation of personal conduct may be necessary to protect the health or safety of others, to fulfill the educational responsibilities of Genesee Community College, or to comply with local, state, or federal laws.

A student’s personal property shall not be seized or searched without his/her consent unless such seizing or searching has complied with legal or College requirements. In the case of suspected

cheating or a similar violation, for example, the College reserves the right to search for and confiscate materials related to the suspected violation.

The College shall make no regulations for off-campus activities of students except -- as specified and elaborated in Section V.1. -- in the case of organized functions, activities, or programs which are sponsored or supervised by the College or are construed by the College to specifically represent Genesee Community College to the public.

Privacy of student records shall be maintained according to the Policy on Confidentiality of Student Records (Policy #4001,) and the Procedure on Access To Student Records (Procedure #409) and in accordance with the Family Educational Rights and Privacy Act.

4. RELIGIOUS FREEDOM (WITH REGARD TO CLASS ATTENDANCE)

Genesee Community College complies with New York State law with regard to religious absences. No person shall be expelled from or be refused admission as a student to Genesee Community College because he/she is unable, because of his/her religious beliefs, to attend classes or to participate in any examination, study, or work requirements on a particular day or days. Persons absent for reasons of religious observance shall be excused from any examination or any study or work requirements and shall be provided with an equivalent opportunity to make up any examination, study, or work requirements which they may have missed because of such absence.

III. Student Responsibilities: Code of Conduct

Any student found to have committed the following misconduct is subject to the disciplinary actions outlined in Article V, Section 10, following:

1. Acts of dishonesty, including, but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty.
 - b. Furnishing false information to any College official, faculty member, or office.
 - c. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
 - d. Tampering with the election of any College-recognized student organization.
2. Hate crimes, also called bias crimes or bias-related crimes, and bias-related activities defined by the College as act of bigotry, harassment, or intimidation directed at a member or group within the College community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status.
3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities, including any of the College's public-service functions on or off campus, or other authorized non-College activities when the act occurs on College premises or during or as a part of a College-sponsored program or activity (such as distance learning courses, etc.) Appropriate behavior by college students includes respect for others. Instructors have the right to set classroom rules of conduct and require adherence to standards of civility appropriate to learning. Failure to conform to such rules and standards constitutes a violation of "disruption or obstruction."

4. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct – whether oral or written — which threatens or endangers the health or safety of any person.
5. Sexual Abuse, Sodomy, Rape:
 - a. No person or group of individuals shall engage in sexual intercourse with any member of the College community if such behavior is against the will and without the consent of that person. Forced sexual intercourse or sodomy can occur with strangers or acquaintances, and may or may not involve deception, violence, or the threat of physical harm.
 - b. No person or group of individuals shall engage in sexual intercourse or sodomy with someone who is physically helpless (e.g., drunk and/or under the influence of a substance or substances), unconscious, or otherwise incapacitated and unable to accurately communicate unwillingness towards an act, or control of their own behavior, or to give consent.
6. Attempted or actual theft of and/or damage to property of the College or property of a member of the College community or other personal or public property.
7. Hazing, defined as an act which endangers the mental or physical health or safety of a student, including any action which involves forced consumption of alcohol or drugs for the purpose of initiation into or affiliation with any organization or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, any group or organization affiliated with Genesee Community College, even if such affiliation is coincidental and unsanctioned.
8. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
9. Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.
10. Unauthorized use or distribution of passwords, access codes, pin numbers, or other electronic security information which is the intellectual property of the College or a member of the College community.
11. Violation of federal, state, or local law on College premises or at College sponsored or supervised activities.
12. Use, possession, or distribution of alcoholic beverages on College premises, except as specified in Policy 6008 (Policy on Alcohol Use.)
13. Use, possession, manufacture, sale, service, delivery, or distribution of alcohol, drugs, or other illegal or controlled substances on College premises, except as expressly permitted by law.
14. Smoking inside College buildings and in front of College buildings within 50 feet of the College.
15. Littering on, in, or adjacent to any campus property.
16. Gambling on College property.

17. Entry, without permission, expressed or implied, into any private office of an administrative officer, member of the faculty, or staff member.
18. Entry, without permission, expressed or implied, into any electronic files – including but not limited to computer files and phone message devices.
19. Theft, damage, or misuse of electronic resources and properties, including intellectual properties, including but not limited to as passwords, computer accounts, codes, equipment, and facilities.
20. Remaining in any College building after it is closed.
21. Refusal to leave a building after being required to do so by a College official.
22. Illegal or unauthorized possession of firearms, explosives, or other weapons, or dangerous chemicals on College premises.
23. Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
24. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-sponsored or supervised functions.
25. Obstruction of or interference with the free flow of electronic information, including but not limited to information shared in Telecourses, Distance Learning classes, Internet classes, etc.
26. Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on College premises or at functions or in classes sponsored by, or participated in, by the College.
27. Theft or other abuse of computer time or services, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change to contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's password and/or other identification.
 - d. Use of computing facilities to interfere with the work of another student, faculty member, or College official.
 - f. Use of computing facilities to send obscene or abusive messages.
 - g. Use of computing facilities to interfere with normal operation of the College computing system.
 - h. Any other violation of Procedure 105.2 (Computer Operations Security Procedures) or Procedure 420 (Student Misuse of College Computing Resources.)
28. Abuse or misuse of electronic devices: Cellular phones, pagers, and other electronic devices shall not be used in a manner that causes disruption in the classroom, library, or within any college owned or college operated facility. Abuse of cellular devices with photographic capabilities, use of devices for purposes of photographing test questions or other notes and materials is prohibited.

Photographing individuals in secured areas such as bathrooms, locker rooms, or other areas where there is a reasonable expectation of privacy, and/or taking photographs of an individual against his or her will is strictly prohibited. Electronic transmission of photographs of any person without express permission is strictly prohibited.

29. Abuse of the College's judicial and disciplinary system, including but not limited to:

- a. Failure to obey the summons of a judicial body or College official.
- b. Falsification, distortion, or misrepresentation of information before a College judicial body.
- c. Disruption or interference with the orderly conduct of a judicial proceeding.
- d. Institution of a judicial proceeding knowingly without cause.
- e. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- f. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding.
- g. Harassment (verbal or physical) and/or intimidation of a member of a judicial body prior to, during, and/or after a judicial proceeding.
- h. Failure to comply with the sanction(s) or discipline imposed under the Student Code of Conduct.
- i. Influencing or attempting to influence another person to commit an abuse of the judicial system.

30. Any other act which, within the context of generally accepted norms and definitions extant at the time of its occurrence, would commonly be construed as misconduct in a college setting.

IV. Charging a Student with Misconduct

Any student, faculty member, College official, or College employee may file a charge (or charges) of misconduct against a student. The charge(s) of misconduct shall be submitted, in writing, to the Vice President for Student and Enrollment Services within (10) working days of the point at which the alleged misconduct occurred or within (10) working days of the point at which the alleged misconduct could reasonably have been known to occur. An Incident Report submitted by a Campus Safety officer to the Office of the Vice President for Student and Enrollment Services can be a written charge of misconduct.

V. College Policy Regarding Violators of the Law

1. OFF-CAMPUS VIOLATIONS OF LAW

If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the College community. In such cases, however, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g. "no contest" or "*nolo contendere*,") unless such charges suggest a possible threat or danger to others or the likelihood that the presence of the accused student on campus will disrupt or impair the ability of other students to

obtain their educational experience at Genesee Community College, or shall otherwise adversely affect the campus community, or shall undermine the interests and/or mission of the College, or shall substantially damage the reputation of the college. Students whose college activities involve representing the college (through, for example, participation in intercollegiate athletics, student government, theatrical performance, participation on the College's radio station, etc.) shall be held to a higher standard and are likely to be subject to stronger discipline if misconduct occurs which causes embarrassment to the college or harm to the college's reputation, or which undermines the interests and/or mission of the College.

2. ON-CAMPUS VIOLATIONS OF LAW

College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Code, for example, if both violations result from the same factual situation or occurrence, without regard to the legal proceedings that are pending in any civil or criminal judicial process. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

3. COOPERATION WITH FEDERAL, STATE, AND LOCAL AUTHORITIES

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a judicial body under the Code of Conduct, however, the College may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally within the College community. The College will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus (or in College-sponsored learning or program environments) and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students, faculty, and staff members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

VI. Procedures for Resolving Problems (Judicial Procedures)

Any member of the College community may file charges or formal complaints. Charges shall be prepared in writing.

1. ACADEMIC DISPUTES — STUDENT COMPLAINTS

- a) Students charging a faculty member with prejudiced, capricious or unfair academic appraisal shall be permitted to discuss the charge with the teacher without fear of reprisal.
- b) If the problem is unresolved, the student may take the complaint to the appropriate Dean (e.g., the Dean supervising that faculty member.)
- c) If the problem is still unresolved it may then be taken to any member of the Academic Standards Committee. The Committee member shall refer the student to the Appeals Coordinator (a member of the Academic Standards Committee — elected annually by the committee). The name of the Appeals Coordinator shall be kept on file in the Vice President for Student and Enrollment Services' Office. The Appeals Coordinator shall help the student determine whether or not the grievance is appealable. If it is, the Appeals Coordinator shall assist the student in writing the formal charge, assign a number to it and assign a person from

the Academic Standards Committee to handle the appeal. Academic appeals must be submitted to the Appeals Coordinator no later than one year after the occurrence.

The appeal shall be formally presented to the committee and all involved parties. Due notice of the hearing date shall be provided to all involved parties. The committee shall approve, disapprove, or table the appeal. If the student is not satisfied with the outcome, the appeal may be forwarded to the Executive Vice President for Academic Affairs, whose decision shall be final.

2. ACADEMIC DISPUTES — STUDENT DISCIPLINE BY A FACULTY MEMBER

Academic misconduct may lead to disciplinary action as outlined in (3), below. It should be noted, however, that such disciplinary action undertaken by the College does not preclude academic sanctions, such as the imposition of a lower grade, by an individual faculty member.

3. SEXUAL HARASSMENT

Sexual harassment can include, but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature. Moreover, behavior such as touching, pinching, patting, exposing, or pressing against another person can be — and has been — construed as sexual abuse.

Complaints regarding sexual harassment — by a student, faculty, or staff member — shall be lodged with the Affirmative Action Officer of the College or one of the Officer's designated contact persons. The name of the Affirmative Action Officer of the College is published in the College Catalog and is on file in the Vice President for Student and Enrollment Services' Office. **Any sexual harassment complaint must be filed with the Affirmative Action Officer no later than one year after the occurrence.** Procedures for dealing with sexual harassment charges are addressed in Policy #1021: "Policy on Sexual Harassment," and Procedure #121: "Guidelines For Preventing and Addressing Sexual Harassment on Campus." Copies of these documents are available in the office of the Affirmative Action Officer and in the Vice President for Student and Enrollment Services' Office.

4. ALL OTHER COMPLAINTS AND DISPUTES

All other complaints, charges, or disputes shall be presented to the Vice President for Student and Enrollment Services. Except in unusual circumstances, all complaints other than those specified in (1) and (2), above, must be filed with the Vice President for Student and Enrollment Services no later than ten working days after the occurrence. The Vice President for Student and Enrollment Services may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved. If the charges cannot be disposed of by mutual consent, the Vice President for Student and Enrollment Services may later serve in the same matter as the judicial body or a member thereof.

5. WRITTEN NOTICES

All charges shall be presented to the accused student in written form. The accused student and the complainant shall receive written notice of the disposition of the case.

6. DUE NOTICE

Due notice shall be provided to all parties involved in a hearing or disciplinary proceeding. Three working days from the time of receipt of notice shall be construed as due notice, except in unusual circumstances.

7. ARBITRATION OR MEDIATION

The Vice President for Student and Enrollment Services or the Vice President's designee may seek to resolve disputes through arbitration or mediation.

8. MAKEUP OF JUDICIAL BODIES

Judicial bodies may consist of any of the following:

- a) Academic Appeals Board, described in Section 1, above.
- b) The Vice President for Student and Enrollment Services, who may serve as a Judicial body in its entirety.
- c) The Student Court. *"The Student Court shall have jurisdiction over cases or hearings arising under the Student Government Association Constitution or cases referred by the faculty or administration which are not in conflict with the responsibilities assigned to the Vice President for Student and Enrollment Services."* The Vice President for Student and Enrollment Services has assigned to the Student Court all student appeals of parking violation penalties.
- d) An Ad Hoc Hearing Board appointed by the Vice President for Student and Enrollment Services.
- e) An Ad Hoc Hearing Board appointed by the President of the College or his or her designee.

9. HEARING GUIDELINES

Hearings shall be conducted by a judicial body according to the following guidelines:

- a) Hearings normally shall be conducted in private. At the request of the accused student, and subject to the discretion of the judicial body's chairperson, a representative of the student press may be admitted, but shall not have the privilege of participating in the hearing.
- b) Admission of any person to the hearing shall be at the discretion of the judicial body.
- c) In hearings involving more than one accused student, the chairperson of the judicial body, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
- d) The complainant and the accused have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before a judicial body. Exceptions to this rule may be made only by the unanimous decision of all members of the judicial body.
- e) The complainant, the accused, and the judicial body shall have the privilege of presenting witnesses, subject to the right of cross examination by the judicial body.

- f) Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson.
- g) All procedural questions are subject to the final decision of the chairperson of the judicial body.
- h) There shall be a single verbatim record, such as a tape recording, of all hearings before a judicial body. The record shall be the property of the College.
- i) After the hearing, the judicial body shall determine (by majority vote if the judicial body consists of more than one person) whether the student has violated each section of the Student Code which the student is charged with violating.
- j) The judicial body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
- k) The judicial body is not required to return its verdict at the time of the hearing but shall, under normal circumstances, render its decision within five working days of the date of the hearing.
- l) The findings of the judicial body shall be provided in writing to the complainant and the accused, within a reasonable time after the decision has been rendered.
- m) Except in the case of a student charged with failing to obey the summons of a judicial body or College official, no student may be found to have violated the Student Code solely because the student failed to appear before a judicial body. In all cases, the evidence in support of the charges shall be presented and considered.

10. PENALTIES FOR VIOLATIONS BY STUDENTS

The following penalties may be imposed or recommended for any student found to have violated the Student Code. More than one of these penalties may be imposed for any single violation. Additionally, as indicated above, students whose college activities involve representing the college (through, for example, participation in intercollegiate athletics, student government, theatrical performance, etc.) shall be held to a higher standard and are likely to be subject to stronger discipline if misconduct occurs which causes embarrassment to the college or harm to the college's reputation.

- a) Warning — A notice in writing to the student that the student is violating or has violated institutional regulations.
- b) Dismissal from class – any faculty member may dismiss a student from class for inappropriate behavior as specified in this Code.
- c) Failing grade — Cheating or plagiarism may result in the assignment of a failing grade by the faculty member in whose course the offense has taken place. This may include a failing grade on the test or assignment wherein the cheating or plagiarism took place, or a failing grade for the entire course, at the discretion of the faculty member in whose course the offense has taken place.
- d) Probation — A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.

- e) Loss of Privileges — Denial of specified privileges for a designated period of time.
- f) Holds on Records -- When a student fails to meet an obligation (payment of a bill, parking or library fine, child care bill) or fails to fulfill the requirements of a disciplinary action, an Administrative Hold is placed on the student's record. This prevents the College from providing the student or any other party – including transfer colleges, employers, etc. with grades, transcripts, or other college records. The Administrative Hold is lifted when the student meets the specific obligation. Fines — previously established and published fines may be imposed.
- g) Restitution — Compensation for loss, damage, or injury. This may take the form of appropriate voluntary service and/or monetary or material replacement.
- h) Voluntary service — Work assignments, service to the College, or other related discretionary assignments which the student voluntarily agrees in writing to undertake in lieu of other penalties.
- i) Disciplinary File — A confidential “Disciplinary File” – also called a “Behavior Contract” — may be established in the Vice President for Student and Enrollment Services’ Office as a probationary or permanent record of the student’s offenses. This file shall be held by the Vice President for Student and Enrollment Services and shall be kept separate from the student’s permanent records. The student may submit a written petition to the Vice President for Student and Enrollment Services, requesting that the file be destroyed, according to the terms agreed upon at the time of signing the contract. The Vice President for Student and Enrollment Services may destroy this file at any time, at his or her discretion.
- j) Permanent Transcript Notation – Hazing, bias or hate crimes, sexual assaults, and other serious violations of the Code of Conduct, especially those which lead to the death or serious physical injury of another person, may result in a permanent notation on the offender’s transcript regarding the offense.
- k) Suspension — Separation of the student from the College for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- l) Expulsion — Permanent separation of the student from the College.
- m) Loss of Academic Credit – Students found responsible for serious violations may, as a part of the College’s disciplinary action, be denied academic credit for the semester in which a suspension or expulsion occurred.
- n) Liability for Tuition and Fees -- Students found responsible for serious violations will, as a part of the College’s disciplinary action, be responsible for all tuition and fees for the semester in which a suspension or expulsion occurred.
In cases in which a judicial body determines that a student has violated the Code of Conduct, the judicial body shall recommend an appropriate penalty. The final penalty, however, shall be imposed by the Vice President for Student and Enrollment Services (except in cases of appeal beyond the Vice President for Student and Enrollment Services, in which case the appellate body shall determine the penalty.) The Vice President for Student and Enrollment Services is not limited to penalties or sanctions recommended by members of the judicial body.

11. REPEAT OFFENDERS

In April of 2004, SUNY Chancellor Robert L. King, working with SUNY's "Realigning for Excellence" Advisory Council, established special guidelines and expectations for discipline regarding repeat offenders with regard to "hazing, excessive consumption of alcoholic beverages, and other misconduct by students." Therefore, as indicated in Section 10 (Penalties), a list of progressively harsher penalties may be imposed upon offenders, depending on the circumstances and severity of each individual occurrence of misconduct. Genesee Community College will not expect disciplined individuals to continue or repeat the same or any new form of misconduct. Repeat offenders will receive more severe discipline, with suspension or expulsion the most likely result of repeated misconduct, whether that misconduct be the same or a different offense.

12. INTERIM SUSPENSION

In certain circumstances, the Vice President for Student and Enrollment Services, or a designee, may impose a College suspension prior to the hearing before a judicial body, or for a lesser period of time.

- 1) Interim suspension may be imposed only:
 - a) To ensure the safety and well-being of members of the College community or preservation of College property;
 - b) To ensure the student's own physical or emotional safety and well-being; or
 - c) If the student poses a definite threat of disruption of or interference with the normal operations of the College.
- 2) During an interim suspension, students shall be denied access to the campus (including classes), and shall be denied access to electronic services of the college – such as Telecourse, Internet, or other Distance Learning activities, e-mail, and/or all other College activities or privileges for which the student might otherwise be eligible, as the Vice President for Student and Enrollment Services or his or her designee determines to be appropriate. Continued use of such services without the express permission of the Vice President for Student and Enrollment Services shall be considered a further and additional violation of the Code of Conduct.

13. APPEALS

- 1) A decision reached by the judicial body or a sanction imposed by the Vice President for Student and Enrollment Services may be appealed by accused students or complainants to the appropriate appellate level within ten working days of the decision.

The decision of the judicial body may be appealed to the Vice President for Student and Enrollment Services or thereafter to the President of the College. The individual making the appeal must present a written statement showing why an appeal has merit. The Vice President for Student and Enrollment Services or thereafter the President of the College shall decide whether or not the appeal has any merit. If the appeal is found to have merit, the individual to whom the appeal is made shall establish the terms and conditions for a fair hearing. If the appeal is not found to have merit, the person(s) filing the appeal will be notified in writing.

- 2) Except as required to explain the basis of new evidence, an appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

- a) To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
- b) To determine whether the decision reached regarding the accused student was based on substantial evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code occurred.
- c) To determine whether the sanction(s) or penalty imposed were appropriate for the violation of the Student Code which the student was found to have committed.
 - d) To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.
- 3) In cases involving appeals by students accused of violating the Student Code, review of the penalty at a higher appellate level may not result in more severe sanction(s) for the accused student. The Vice President for Student and Enrollment Services may reduce, but not increase the penalties, following the recommendations from the higher appellate level.
- 4) In cases involving appeals by persons other than students accused of violating the Student Code (e.g., complainants,) review of the penalty at a higher appellate level may result in more severe sanction(s) for the accused student. The Vice President for Student and Enrollment Services may reduce or increase the penalties, following the recommendations from the higher appellate level.

Campus Crime Prevention

Genesee Community College takes pride in the effectiveness of its dedicated Public Safety staff. The safety and protection of the College community are the principal concerns of each security officer. Assistance is available on a 24-hour basis, seven days per week by calling (585) 343-0055 ext. 6240.

Locating the Public Safety Office and Officers

The Genesee Community College Public Safety Department functions to assist, direct, and protect both people and property on the campus. The campus facility is composed of a mall-like main building, which is connected by an enclosed walkway to the Genesee Center for the Arts and Technical Building. The Public Safety Office is located on the east side of the main building between the cafeteria and the William W. Stuart Forum. From the main entrance, walk straight ahead toward the far wall. The security office is on the left just after you have passed the cafeteria area.

Security Alerts

As needed and appropriate, the Public Safety Office of Genesee Community College issues “Security Alerts” via e-mail, posters, or other appropriate means, to inform students, faculty, and staff of security issues which reflect recent or current activity on campus (e.g., attempted auto break-ins.)

The Role of Public Safety Officers

Public Safety Officers work with local, state, and federal law enforcement agencies, and seek to protect life and property, to prevent anti-social conduct, and to preserve a secure campus environment. They are authorized to maintain order, investigate incidents, interview students and others who may be involved in a witness description or uncivil behavior, maintain reports, and contact local police and emergency agencies as appropriate.

Public Safety Officer Training and Requirements

The college recruits public safety officers who have completed a two-year degree of which at least thirty hours are in criminal justice courses, or one year of college with at least one year of experience in appropriate criminal justice work. Prospective security officers must have completed New York State security guard training. They also must have received their licenses. All officers must have satisfactorily completed first aid and CPR certification, pass a physical agility test, and have a satisfactory physical exam. Genesee’s security officers must update CPR skills yearly and first aid skills every three years.

All full-time officers have blood borne pathogen training, and the college maintains a security officer with environmental safety training. The security officers hold monthly meetings for continuing education, to review fire safety and evacuation procedures, and to review activities, problems and procedures.

Public Safety Procedures

All Genesee Community College buildings are open to the public. With the exception of college-sponsored events, all building entrances are opened at 6:30 a.m. and locked at 10:00 p.m. Monday

through Friday. On Saturday, the college is open from 6:30 a.m. until 5:00 p.m. The college is closed on Sundays and holidays.

Crime Prevention Programs

Genesee Community College and College Village offer a variety of programs to help students stay safe. This publication and website posting represent the first step in providing valuable information to students. At the annual New Student Orientation, students are advised of the availability of campus safety information and resources, and the parents of traditional age students are given the same information at our annual Parent Orientation. Resource speakers are brought to the campus at least once a year to talk about sexual awareness and personal safety, and programs for smaller groups are offered at College Village. Planned Parenthood provides sexual safety information twice a month at an information table at the Batavia campus. Crime prevention and personal safety are also a major part of the annual training given to College Village's Resident Assistants. Crime Alerts are posted at appropriate locations when warranted. Our personal counselors are also available throughout the academic year to talk with students in small groups and one-on-one regarding crime, sexual harassment, equity, and safety issues. Literature on sexual assault and personal safety is also available at College Village and at the Genesee Community College Health Office. Sexual misconduct prevention and other safety training and literature are also provided regularly to all Genesee Community College faculty and staff. There is a standing Personal Safety and Campus Security Advisory Committee which meets at least once annually.

Escort Service

Public safety will escort you to your vehicle upon request. It would be helpful to stop at the public safety office before class if you wish an escort so the officer will be available. If an officer cannot be found, go to the switchboard and the operator will assist in locating an officer.

Vehicle Assistance

Public safety will provide jump starts and other services as needed once the owner of the vehicle provides proper identification.

Emergency Message

If an emergency exists concerning an individual, notification may be left at the security office via phone or in person. The officer will do his or her best to locate the individual. Remember, a class can only be interrupted if the message is a true emergency.

First Aid

Public safety will provide first aid during the day and evening hours when the nurse is off duty.

Lost and Found Items

Lost items are generally turned in to the public safety office. If you lose something, check with the officer on duty several times because items are turned in at all hours by both students and employees.

Security Considerations Used In Maintenance of College Facilities

Genesee Community College is inspected for safety hazards on a daily basis by Public Safety Officers. Non-compliance issues are reported on written incident report forms and forwarded to the appropriate departments for corrective action. Genesee Community College is inspected on an annual basis by the New York State Office of Fire Prevention and Control for fire safety compliance. Noncompliance items must be corrected within a limited timeframe.

Access

A student may gain access to a room or area that is not normally open or while a teacher is off campus, providing the student has the proper written request form signed by both the teacher and the dean of the area requested. This form must be brought to the public safety office prior to being allowed access to the area. Students with handicapping conditions also may obtain an elevator key at the public safety office.

Crime Prevention and Awareness for Employees

The Civil Services Employees Handbook (pages 14 – 16 of the current edition), covers public safety and environmental safety and encourages employees to call on Public Safety staff at any time they are in need of help. This handbook also provides the Public Safety direct dial telephone number (585.345.6996) and on-campus extension number (Ext. 6240.)

The Handbook instructs that any medical emergency, accident, vandalism, larceny or similar problems on campus should be reported to the Public Safety Office immediately and states that “The officers will assist and direct you in the proper course of action. In case of an emergency during business hours, dial 6500 and the Operator will direct your call. Also, anything you feel is of a suspicious nature should be reported Public Safety.” (The Handbook also explains where phones are located, etc.)

The Professional Staff Handbook contains similar information on Pages 23 and 24 of the current edition.

A “GUSTO” Team responds to employee requests for special workshops and can provide employee personal safety workshops upon request. Sessions on the Services of Public Safety and on Personal Safety are offered from time to time during Professional Activities Weeks or at other times. The senior Public Safety Officer takes part in New Staff Orientation and Public Safety Officers have provided workshops, on request, on personal safety.

General Campus Law Enforcement Statement and Local Law Enforcement Relationships

The Genesee Community College Public Safety staff includes one Peace Officer and a staff of New York State Licensed Security Guards. The Peace Officer is sworn by the Genesee County Sheriff. In the event of a crime on campus, the Peace Officer and/or Security Guards would routinely call the Genesee County Sheriff. Only the Peace Officer has authority to arrest, although it is routinely the policy of Genesee Community College to assist with arrests. The Public Safety Staff reports any major College crime incidents to the Genesee County Sheriff’s Office.

Communication with Law Enforcement Agencies

The College maintains regular communication with all appropriate law enforcement agencies, and periodically discusses efficient security methods, ways to enhance student protection, and coordination of public safety efforts for all campuses. The public safety office and campus centers have established safety procedures with appropriate fire departments, local and New York State law enforcement agencies.

The main campus public safety office and all off-campus centers report all criminal actions and suspicious activities. College administrators, campus directors and college security officers regularly meet with representatives from the sheriff's departments of Genesee, Livingston, Orleans, and Wyoming counties, and the New York State Police Troops A and E to maintain and develop efficient communication and security procedures.

To support public safety procedures, the college's maintenance and housekeeping departments maintain all facilities and grounds on a regular basis to ensure the health and safety of students, faculty and staff.

Registered Sex Offenders Report

According to Section 170101 (j) of the Violent Crime Control and Law Enforcement Act of 1999, all persons who have been convicted of a sexually violent offense or a criminal offense against a minor must be registered with local law enforcement agencies. Students and employees who wish to know who has been convicted of such of crimes can request this information from:

The City of Batavia Police Department; 10 West Main Street; Batavia, NY 14020; (584) 343-8180, or the Genesee County Sheriff's Department, 14 West Main Street; Batavia, NY, 14020 (585) 343-5000.

Clery Act Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. The law is named for Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered in her campus residence hall in 1986. The Clery Act, signed in 1990, was originally known as the Crime Awareness and Campus Security Act.

Campus Crime 2008				
Institution: Genesee Community College (191339) - Batavia Campus (01)		User ID: C71913391		
Screening Questions				
Please answer these questions carefully. The answers you provide will determine which screens you will be asked to complete for this data collection.				
1. Does your institution provide on-campus student housing?:	NO			
2. Have you combined statistics that you received from the local or state police with your institution statistics for this report? If you answer No to this question, you will be asked to provide the data you received from the local and state police separately.:	YES			
3. Does your institution have any noncampus buildings or properties?:	YES			
Institution: Genesee Community College (191339) - Batavia Campus (01)		User ID: C71913391		
Criminal Offenses - On campus ("On-Campus": (1)				
Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).				
For each of the following criminal offenses, enter the number of occurrences that took place On campus.				
	Total occurrences On campus			
Criminal offense	2004	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0	0
b. <u>Negligent manslaughter</u>	0	0	0	0
c. Sex offenses - Forcible	0	0	0	0
d. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated assault	0	0	0	0
g. Burglary	0	1	1	0
h. Motor vehicle theft	0	0	0	0
i. Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0	0
Caveat:				

Criminal Offenses - Noncampus (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

For each of the following criminal offenses, enter the number reported to have occurred in or on Noncampus buildings or properties.

Criminal offense	Total occurrences Noncampus			
	2004	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0	0
b. <u>Negligent manslaughter</u>	0	0	0	0
c. Sex offenses - Forcible	0	0	0	0
d. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated assault	0	0	0	0
g. Burglary	0	1	0	0
h. Motor vehicle theft	0	1	0	0
i. Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0	0
Caveat:				

Criminal Offenses - Public Property (All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus).

For each of the following criminal offenses, enter the number of occurrences reported to have occurred on Public Property.

Criminal offense	Total occurrences on Public Property			
	2004	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0	0
b. <u>Negligent manslaughter</u>	0	0	0	0
c. Sex offenses - Forcible	1	1	0	0
d. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated assault	0	1	0	0
g. Burglary	1	1	0	0
h. Motor vehicle theft	0	0	0	0
i. Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0	0

Caveat: 2007: Sheriff reported two aggravated assault arrests and one burglary arrest on PRIVATE property adjacent to the College.

Hate Crimes - On campus

For the criminal offenses listed below, enter the number that were reported to have occurred on campus that manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity/national origin or disability. Note: Your institution is required to disclose data on hate crimes by category of prejudice in your Annual Security Report. For purposes of this data collection, only the total number of hate crimes is required.

Criminal offense	Occurrences of Hate crimes			
	2004	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0	0
b. Negligent manslaughter	0	0	0	0
c. Sex offenses - Forcible	0	0	0	0
d. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated assault	0	0	0	0
g. Burglary	0	0	0	0
h. Motor vehicle theft	0	0	0	0
i. Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0	0
j. Any other crime involving bodily injury				
Caveat:				

Hate Crimes - Noncampus

For the criminal offenses listed below, enter the number that were reported to have occurred in or on noncampus buildings or property that manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity/national origin or disability. Note: Your institution is required to disclose data on hate crimes by category of prejudice in your Annual Security Report. For purposes of this data collection, only the total number of hate crimes is required.

Criminal offense	2004	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0	0
b. Negligent manslaughter	0	0	0	0
c. Sex offenses - Forcible	0	0	0	0
d. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated assault	0	0	0	0
g. Burglary	0	0	0	0
h. Motor vehicle theft	0	0	0	0
i. Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0	0
j. Any other crime involving bodily injury	0	0	0	0
Caveat:				

Hate Crimes - Public Property

For the criminal offenses listed below, enter the number that were reported to have occurred on public property that manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity/national origin or disability. Note: Your institution is required to disclose data on hate crimes by category of prejudice in your Annual Security Report. For purposes of this data collection, only the total number of hate crimes is required.

Criminal offense	Occurrences of Hate crimes			
	2004	2005	2006	2007
a. Murder/Non-negligent manslaughter	0	0	0	0
b. Negligent manslaughter	0	0	0	0
c. Sex offenses - Forcible	0	0	0	0
d. Sex offenses - Non-forcible (Include only incest and statutory rape)	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated assault	0	0	0	0
g. Burglary	0	0	0	0
h. Motor vehicle theft	0	0	0	0
i. Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0	0
j. Any other crime involving bodily injury	0	0	0	0
Caveat:				

Arrests - On campus

Enter the number of arrests for each of the following crimes occurring On campus.

Crime	Number of Arrests			
	2004	2005	2006	2007
a. Illegal weapons possession	1	0	0	0
b. Drug law violations	1	0	0	0
c. Liquor law violations	0	0	2	0

Caveat:

Disciplinary Actions - On campus

Enter the number of persons referred for Disciplinary Action for each of the following crimes.

Do not include disciplinary actions that were strictly for school policy violations.

If the disciplinary action is the result of an arrest, please do not include it here. Count the violation as 1 arrest.

Crime	Number of persons referred for Disciplinary Action			
	2004	2005	2006	2007
a. Illegal weapons possession	0	0	0	0
b. Drug law violations	0	0	0	0
c. Liquor law violations	0	0	0	0

Caveat:

Arrests - Noncampus

Enter the number of arrests for each of the following crimes occurring at Noncampus buildings or properties.

Crime	Number of Arrests			
	2004	2005	2006	2007
a. Illegal weapons possession	0	0	0	0
b. Drug law violations	0	0	0	0
c. Liquor law violations	0	0	0	0

Caveat:

Disciplinary Actions - Noncampus

Enter the number of persons referred for Disciplinary Action for each of the following crimes. If the disciplinary action is the result of an arrest, please do not include it here. Count the violation as 1 arrest.

Crime	Number of persons referred for Disciplinary Action			
	2004	2005	2006	2007
a. Illegal weapons possession	0	0	0	0
b. Drug law violations	0	0	0	0
c. Liquor law violations	0	0	0	0
Caveat:				

Arrests - Public Property

Enter the number of arrests for each of the following crimes occurring on Public Property.

Do NOT include drunkenness or driving under the influence in Liquor law violations.

Crime	Number of Arrests			
	2004	2005	2006	2007
a. Illegal weapons possession	2	0	0	0
b. Drug law violations	2	1	0	0
c. Liquor law violations	1	0	0	0
Caveat:				

Disciplinary Actions - Public Property

Enter the number of persons referred for Disciplinary Action for each of the following crimes.

Do not include disciplinary actions that were strictly for school policy violations.

If the disciplinary action is the result of an arrest, please do not include it here. Count the violation as 1 arrest.

Crime	Number of persons referred for Disciplinary Action			
	2004	2005	2006	2007
a. Illegal weapons possession	0	0	0	0
b. Drug law violations	0	0	0	0
c. Liquor law violations	0	0	0	0
Caveat:				

Statistics include data from Genesee Community College's Batavia Campus plus all off-campus centers.

These statistics – and the statistics of over 6,000 colleges -- may also be viewed on the United States Office of Postsecondary Education website, by logging on to <http://ope.ed.gov/security/> for general information, or <http://ope.ed.gov/security/GetOneInstitutionData.aspx> for information on Genesee Community College or other individual colleges. Reports are filed in October of each year, so statistics may be updated on the government website after publication of this annual document.

EQUITY IN ATHLETICS DISCLOSURE ACT (EADA) REPORT

The Athletic Disclosure Web-based Survey

Department of Education Office of Postsecondary Education

Equity in Athletics Disclosure Act (EADA)

<http://surveys.ope.ed.gov/athletics>

The Equity in Athletics Disclosure Act (EADA) requires the Secretary of Education to collect information and provide to Congress a report on financial and statistical information on men's and women's collegiate sports. Each coeducational institution of higher education that participates in a Student Financial Aid (SFA) Program and has an intercollegiate athletic program must prepare an EADA report by November 1st each year. The EADA is designed to make prospective students aware of the school commitment to providing equitable athletic opportunities for its men and women students. The EADA requires schools to make the report available upon request to students, potential students, and the public.

The Department of Education Athletic Disclosure Web Site allows institutions to fulfill this requirement. The printed (hard copy of this information reflects the latest data available at press time. You may access this information on-line at <http://surveys.ope.ed.gov/athletics> to see more recent data when it becomes available.

Fall 2007 Report**

General information

Unit ID: 191339

Genesee Community College

Number of Full-time Undergraduates: 2,869

One College Rd

Men: 1,042

Batavia

Women: 1,827

Athletic Department information

Athletics

ONE COLLEGE RD
BATAVIA

Reporting Year: 9/1/2006-8/31/2007

Reporting Official: Stuart Steiner

Title: President

Phone: 585-345-6800

Sanctioning Body: NJCAA Division I

Athletics Participation

Varsity Teams	Number of participants as of the day of the first scheduled contest	
	Men's Teams	Women's Teams
Baseball	33	
Basketball	12	14

Lacrosse	25	
Soccer	25	17
Softball		23
Swimming and Diving	12	12
Volleyball		13
Total Participants Men's and Women's Teams	107	79
Unduplicated Count of Participants (Number of individuals who participated on at least one varsity team.)	107	79
CAVEAT		

Head Coaches - Men's Teams

Varsity Teams	Male Head Coaches				Female Head Coaches				Total Head Coaches
	Full-Time Coaching Duties	Part-Time Coaching Duties	Full-Time University Employee	Part-Time University Employee or Volunteer	Full-Time Coaching Duties	Part-Time Coaching Duties	Full-Time University Employee	Part-Time University or Volunteer	
Baseball		1		1					1
Basketball		1	1						1
Lacrosse		1		1					1
Soccer		1		1					1
Swimming and Diving		1		1					1
Coaching Position Totals	0	5	1	4	0	0	0	0	5
CAVEAT									

Head Coaches - Women's Teams

Varsity Teams	Male Head Coaches				Female Head Coaches				Total Head Coaches
	Full-Time Coaching Duties	Part-Time Coaching Duties	Full-Time University Employee	Part-Time University Employee or Volunteer	Full-Time Coaching Duties	Part-Time Coaching Duties	Full-Time University Employee	Part-Time University Employee or Volunteer	

Basketball					1		1		1
Soccer						1		1	1
Softball						1		1	1
Swimming and Diving		1		1					1
Volleyball	1		1						1
Coaching Position Totals	1	1	1	1	1	2	1	2	5
CAVEAT									

Head Coaches' Salaries

	Men's Teams	Women's Teams
Average Annual Institutional Salary per Head Coach	\$6,300	\$5,950
Number of Head Coaches Included in Average	5	5
Average Annual Institutional Salary per FTE	31,500	\$29,750
Number of FTEs Included in Average	1.00	1.00
CAVEAT		

Assistant Coaches - Men's Teams

Varsity Teams	Male Assistant Coaches				Female Assistant Coaches				Total Assistant Coaches
	Full-Time Coaching Duties	Part-Time Coaching Duties	Full-Time University Employee	Part-Time University Employee or Volunteer	Full-Time Coaching Duties	Part-Time Coaching Duties	Full-Time University Employee	Part-Time University Employee or Volunteer	
Baseball		3		3					3
Basketball		1		1		1		1	2
Lacrosse		1		1					1
Soccer		1		1		1		1	2
Swimming and Diving		1		1					1

Coaching Position Totals	0	7	0	7	0	2	0	2	9
CAVEAT									

Assistant Coaches - Women's Teams

Varsity Teams	Male Assistant Coaches				Female Assistant Coaches				Total Assistant Coaches
	Full-Time Coaching Duties	Part-Time Coaching Duties	Full-Time University Employee	Part-Time University Employee or Volunteer	Full-Time Coaching Duties	Part-Time Coaching Duties	Full-Time University Employee	Part-Time University Employee or Volunteer	
Basketball		1		1					1
Soccer						1		1	1
Softball						1		1	1
Swimming and Diving		1		1					1
Volleyball		1		1		1		1	2
Coaching Position Totals	0	3	0	3	0	3	0	3	6
CAVEAT									

Assistant Coaches' Salaries

	Men's Teams	Women's Teams
Average Annual Institutional Salary per Assistant Coach	\$1,000	\$1,500
Number of Assistant Coaches Included in Average	9	6
Average Annual Institutional Salary per FTE	\$22,500	\$22,500
Number of FTEs Included in Average	0.40	0.40
CAVEAT		

General information Unit ID: 191339

Genesee Community College

Number of Full-time Undergraduates: 2,869

One College Rd

Men: 1,042

Athletic Department information

Athletics
ONE COLLEGE RD
BATAVIA

Reporting Year: 9/1/2006-8/31/2007
Reporting Official: Stuart Steiner
Title: President
Phone: 585-345-6800
Sanctioning Body: NJCAA Division I

Athletically Related Student Aid

	Men's Teams	Women's Teams	Total
Total	\$12,500	\$25,000	\$37,500
Ratio (percent)	33	67	100%

CAVEAT

Revenues by Team

Varsity Teams	Men's Teams	Women's Teams	Total
Basketball	\$49,950	\$70,715	\$120,665
Football			
Total Revenues of all Sports, Except Football and Basketball, Combined	\$106,298	\$143,119	\$249,417
Total Revenues Men's and Women's Teams	\$156,248	\$213,834	\$370,082
Not Allocated by Gender/Sport			\$155,850
Grand Total for all Teams (includes by team and not allocated by gender/sport)			\$525,932

CAVEAT

Recruiting Expenses

	Men's Teams	Women's Teams	Total
Total	\$3,750	\$3,750	\$7,500
CAVEAT			

**** The Fall 2008 report will be available on October 31, 2008**

GENDER EQUITY REPORT - GLOSSARY OF TERMS

Athletically Related Student Aid - Any scholarship, grant, or other form of financial assistance, offered by an institution, the terms of which require the recipient to participate in a program of intercollegiate athletics at the institution. Other student aid, of which a student-athlete simply happens to be the recipient, is not athletically related student aid.

Designated Reporting Year - Any consecutive twelve-month period of time designated by the institution for the purposes of the EADA Report.

Expenses — Expenses attributable to intercollegiate athletic activities. This includes appearance guarantees and options, athletically related student aid, contract services, equipment, fundraising activities, operating expenses, promotional activities, recruiting expenses, salaries and benefits, supplies, travel, and any other expenses attributable to intercollegiate athletic activities.

Institutional Salary - All wages and bonuses an institution pays a coach as compensation attributable to coaching.

Operating Expenses - All expenses an institution incurs attributable to home, away, and neutral-site intercollegiate athletic contests (commonly known as “game-day expenses”), for (A) Lodging, meals, transportation, uniforms, and equipment for coaches, team members, support staff (including, but not limited to team managers and trainers), and others; and (B) Officials.

Participants — Students who, as of the day of a varsity team’s first scheduled contest (A) Are listed by the institution on the varsity team’s roster; (B) Receive athletically related student aid; or (C) Practice with the varsity team and receive coaching from one or more varsity coaches. Any student who satisfies one or more of the criteria in (A) through (C) is a participant, including a student on a team the institution designates or defines as junior varsity, freshman, or novice, or a student withheld from competition to preserve eligibility (i.e., a redshirt), or for academic, medical, or other reasons.

Recruiting Expenses - All expenses an institution incurs attributable to recruiting activities. This includes, but is not limited to, expenses for lodging, meals, telephone use, and transportation (including vehicles used for recruiting purposes) for both recruits and personnel engaged in recruiting, any other expenses for official and unofficial visits, and all other expenses related to recruiting.

Revenues - Revenues attributable to intercollegiate athletic activities. This includes revenues from appearance guarantees and options, an athletic conference, tournament or bowl games, concessions, contributions from alumni and others, institutional support, program advertising and sales, radio and television, royalties, signage and other sponsorships, sports camps, State or other government support, student activity fees, ticket and luxury box sales, and any other revenues attributable to intercollegiate athletic activities.

Undergraduate students — Students who are consistently designated as such by the institution.

Varsity Team - A team that (A) Is designated or defined by its institution or an athletic association as a varsity team; or (B) Primarily competes against other teams that are designated or defined by their institutions or athletic associations as varsity teams.