

# Student Code of Conduct



Genesee Community College

**Revised: December 23, 2025. The information in this document is the most up to date version of the Student Code of Conduct. This supersedes other documents online or in print. This Code is guided by and in alignment with GCC Procedure #401.**

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## **SECTION 1 - Introduction**

Genesee Community College is committed to providing a safe and orderly environment where students may receive quality educational services without disruption or interference. Appropriate behavior is essential to achieving this goal on college property and at all college sponsored events off-campus.

It is the responsibility of all Genesee Community College students to become aware of and to remain familiar with campus policies and procedures. The official and most current version of the Student Code of Conduct is always found online. Updates to the Student Code of Conduct may be made whenever necessary to comply with applicable law or policy and when the information presented here can be made clearer.

The Genesee Community College handbook enables all students to learn in an environment which promotes academic achievement by setting core principles, rules, and values. The Dean of Students serves as the primary administrator of student conduct and has the responsibility of holding students accountable to the Genesee Community College Student Code of Conduct. All students who are enrolled at Genesee Community College agree to adhere to this Code and all College policies and procedures.

In any organized group of people, it is essential to define the rights and responsibilities in that group. In defining the rights and responsibilities of individuals, Genesee Community College adheres to the 1967 Joint Statement on Rights and Freedoms of Students, the 1940 AAUP Statement on Principles of Academic Freedom, and subsequently approved Interpretive Comments (1970). Nothing contained herein shall be construed to be in conflict with the aforementioned documents. These rules are not intended to repeal, supersede, or preclude any other rules related to the same subject matter except to the extent that they are inconsistent therewith.

## SECTION 2 – Student Rights and Responsibilities

Genesee Community College respects the dignity of each individual member of the College community. The College recognizes certain rights and responsibilities as integral to achieving opportunities for intellectual, cultural, social and personal growth, and the health and safety of every student. These rights include, but are not limited to:

- The opportunity to pursue higher education;
- Freedom to exercise the rights of citizenship, association, inquiry, and expression;
- Appropriate privacy and confidentiality;
- A safe and supportive learning environment;
- The right to fair and equal treatment, instruction, evaluation, and services by faculty, staff, and students; and
- Procedural due process (specified below) in grievance and disciplinary processes.

Most importantly, students have the right to equitable access to a quality education. This includes, but is not limited to, the right to competent instruction in courses and programs; the right to assistance in overcoming educational, cultural, emotional, and economic disadvantages which hinder the educational process.

As a corollary to the aforementioned rights, students are expected to assume the following responsibilities:

- To be knowledgeable of, and comply with, the directives, regulations, and laws as established by the SUNY Board of Trustees and the Genesee Community College Board of Trustees;
- To respect the rights of individuals and groups to independent action, as long as those rights do not interfere with the parallel rights of others; and
- To be knowledgeable of, and comply with, the directives, regulations, and laws of duly constituted civil authorities.

## **SECTION 3 – Affirmative Action, Diversity, Core Values, and Non-Discrimination**

### **3.1 Affirmative Action**

[GCC's Affirmative Action Policy](#)

[SUNY's Affirmative Action Statement](#)

### **3.2 Diversity**

[Diversity & Inclusion at GCC](#)

### **3.3 GCC's Core Values and Strategic Plan**

[GCC's Strategic Plan](#)

### **3.4 Non-Discrimination**

[Non-discrimination Policy](#)

## **SECTION 4 – Sex-Based Misconduct and Harassment**

### **4.1 Sex-Based Misconduct and Harassment Information**

Genesee Community College (GCC) is committed to creating and maintaining an educational environment that is free from all forms of sex discrimination and sexual misconduct. Conduct involving sexual harassment, sexual violence, coercion, intimidation, or exploitation is inconsistent with the College's values and will not be tolerated. Such behavior undermines personal dignity, erodes trust and safety, and can substantially interfere with a student's ability to fully participate in the educational experience.

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance. As the law provides, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." Under Title IX, prohibited sex-based discrimination includes conduct such as quid pro quo, sexual harassment, sexual assault (including rape), dating violence, domestic violence, stalking, sexual exploitation, retaliation, and other forms of sex-based harassment or discrimination that interfere with or limit an individual's participation in or benefit from an education program or activity.

Consistent with its obligations under Title IX, GCC strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking, whether the conduct falls within the scope of Title IX or is addressed through other institutional policies. Certain reports of sex-based misconduct may not meet the regulatory definition or jurisdictional requirements of Title IX but will nevertheless be addressed through other applicable College policies and procedures.

When the College becomes aware of an alleged act of sexual misconduct, it will take prompt and appropriate action to address the situation. This may include supportive measures, disciplinary action through College processes, coordination with state and local law enforcement where appropriate, and enforcement of mandatory transcript notations when required. In addition, GCC recognizes that preventing sexual misconduct is a shared responsibility and engages in ongoing prevention and awareness education for students and employees to foster a safe and secure campus environment.

### **4.2 Sexual Misconduct Reporting, Privacy,**

Genesee Community College strongly encourages all members of the campus community to promptly report incidents of sexual misconduct. When the College receives a report, it will respond in a timely manner by offering supportive measures to the reporting individual and, when appropriate, initiating a grievance or alternative resolution process. Allegations will be evaluated and, where warranted, investigated by trained College officials using procedures that are prompt, equitable, and thorough. Both the complainant and the respondent will be afforded equitable rights, access to information, and procedural protections throughout the resolution process.

The College is committed to respecting the privacy of individuals involved in reports of sexual misconduct. GCC will work with students who seek confidential or private assistance, and certain professionals are designated by law as confidential resources. Employees who are not confidential resources are expected to maintain privacy to the greatest extent permitted by law and College policy and to share information only with appropriate College officials on a need-to-know basis. Information will not be disclosed beyond what is necessary to respond appropriately to the report and fulfill institutional obligations.

All sexual misconduct disciplinary proceedings use the preponderance of the evidence standard, meaning that a finding of responsibility will be made when the evidence shows it is more likely than not that the alleged conduct occurred. Complainants may choose to withdraw a complaint or decline participation in the College's grievance process at any time; however, the College reserves the right to proceed with a response as necessary to ensure campus safety and compliance with applicable laws.

At the time of an initial disclosure to a College representative, reporting individuals will be informed of their rights and options, including the right to report to Campus Safety, local law enforcement, and/or State Police, or to choose not to report; the right to file a report with the College; the right to be protected from retaliation; and the right to receive supportive measures, resources, and assistance from the College, regardless of whether a formal complaint is pursued.

## 4.2 Title IX Related College Resources

The following links will direct you to additional information about Title IX topics:

[Sexual Violence Response College Procedure 121.1](#)

[Options for Confidentially Disclosing Sexual Violence College Procedure 121.2](#)

[SUNY Sexual Violence Prevention \(SVP\) Campus Climate Survey GCC Board Policy 1021 Sexual Harassment](#)

[Crime Prevention and Reports](#)

[Responsible Employees](#)

[Differences Between the Penal Law and the College Disciplinary Processes](#)

## 4.3 Students' Bill of Rights

The State University of New York and Genesee Community College are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

All students have the right to:

- Make a report to local law enforcement and/or state police;

- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
- Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

#### 4.4 Options for Victims

Victims/survivors have many options that can be pursued simultaneously, and GCC follows [SUNY's Sexual Assault and Violence Response \(SAVR\) Procedures](#).

##### Local Resource:

Campus Safety  
 College Village Safety  
 Title IX Coordinator  
 RESTORE (Sexual Assault Victim Services)  
 Dean of Students  
 GCC Counseling Center  
 United Memorial Medical Center

##### Contact Information:

585-343-0055 ext. 6500  
 585-813-9262  
 585-343-0055 ext. 6514  
 585-546-2777  
 585-343-0055 ext. 6314  
 585-343-0055 ext. 6219  
 585-343-6030

#### 4.5 Alcohol, Marijuana, and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

The health and safety of every student at the State University of New York and its State operated and community colleges is of utmost importance. Genesee Community College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Genesee Community College strongly encourages students to report incidents of domestic

violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Genesee Community College or law enforcement will not be subject to Genesee Community College code of conduct action for violations of alcohol, marijuana, and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

## 4.6 Conduct Process for Cases Involving Sexual Misconduct

This section outlines the process for all cases of sexual misconduct, including Title IX sexual harassment, supplementing other sections of the Code.

If any conflict arises between this section and other portions of the Code, the provisions in this section govern the College's response to sexual misconduct.

Reporting individuals may request that student conduct charges be filed against the accused. Conduct proceedings follow the Genesee Community College Code of Conduct, as well as applicable federal and New York State laws.

The College will honor a reporting individual's request not to investigate or pursue conduct proceedings, unless, in good faith, the College determines that not investigating would fail to mitigate potential risk to the reporting individual or others. Multiple factors will be considered in this assessment.

During conduct proceedings, both the Respondent and the Complainant (reporting individual) have the following rights:

1. **Due Process:** Right to a process conducted fairly, impartially, and without conflicts of interest.
2. **Presumption of Non-Responsibility:** The Respondent has the right to a presumption of "not responsible" until a formal finding of responsibility is made. This right, along with other considerations specific to sexual assault, dating violence, domestic violence, and stalking, must be upheld throughout the process.
3. **Confidentiality:** Right for all information to be handled with privacy and confidentiality, as required by law and under GCC policies and procedures.
4. **No Retaliation:** Right to participate in the conduct process without fear of retaliation. Retaliation is defined as any intimidating, harassing, or retributive action including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequence, and bullying of any person for reporting a violation or for participating in any way in the investigation or conduct process.
5. **Prompt Response:** Right to a timely handling of complaints. Sexual misconduct and other sensitive complaints will be given priority to ensure that GCC resolves them within 60 days, unless there are extenuating circumstances. The College will keep all parties informed of any

delays and will ensure a prompt, fair, and equitable process throughout.

6. **Concurrent Proceedings:** Right to have the conduct process run concurrently with any criminal investigation or proceeding, except for temporary delays requested by law enforcement. Any such delays must be documented, communicated to both parties, and kept as brief as reasonably possible, generally not exceeding 10 days unless law enforcement provides written justification for a longer period.
7. **Advisor Support:** Right to be assisted by an advisor of choice during hearings and related meetings. Advisors may consult privately but may not present evidence or question witnesses. Either party may request a brief recess to consult their advisor.
8. **Accommodations:** Right to accommodations that ensure equitable, safe, and confidential participation in the process for both parties. Accommodations may include reasonable adjustments to support student safety in the process, supportive measures (see Section 4.7), or accommodations for students with disabilities. Accommodations may include, where reasonably available and appropriate, use of a visual screen, or participation via telephone, videophone, closed-circuit television, video conferencing, videotape, audiotape, written and/or electronic statement, or other approved methods. Both parties will be informed of available accommodations and how to request them.
9. **Advance Notice:** Right to receive advance written or electronic notice of meetings/hearings, including factual allegations, code provisions, and potential sanctions.
10. **Impartial Investigation and Adjudication:** Right to an investigation and adjudication by trained, impartial individuals, recognizing trauma effects, respondent rights, and relevant legal and policy standards.
11. **Evidence Access:** Right to offer evidence and to review all evidence directly related to the allegations in the case file. Access to evidence will be provided in a manner consistent with privacy protections, confidentiality requirements, and applicable law.
12. **Exclusions of Prior History:** Right to exclude evidence of the complainant's prior sexual history with anyone, except as directly relevant to the current case and consistent with this Code and applicable law, or evidence of the individual's mental health treatment, from disciplinary proceedings determining responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be considered only in determining appropriate sanctions, and both parties will be notified if such prior findings are considered.
13. **Testimony:** Right to present evidence and testimony at hearings, where appropriate.
14. **Presence:** Right to be present during testimony and questioning; deliberations are closed.
15. **Impact Statement:** Right to make an impact statement before deliberation begins.
16. **Disclosure Choice:** Right to choose whether to disclose the outcome.

17. **Outcome Notification:** Right to written or electronic notice of the outcome, including decisions, sanctions, and rationale.
18. **Appeal:** Right to at least one level of appeal before an impartial panel without conflicts of interest (see “Appeals” section).
19. **Record Access:** Right to access a complete record of the hearing, preserved for at least seven (7) years, including transcripts, recordings, or other appropriate documentation. Access will be provided in a manner consistent with FERPA and other applicable laws protecting privacy.

The Hearing Board or Administrative Hearing Officer holds final authority to determine violations of the Code. When a violation is found, appropriate sanctions will be imposed in consultation with the Title IX Coordinator (or designee) or, for non-Title IX matters, the Dean of Students. Dating violence, domestic violence, sexual assault, and stalking are considered extremely serious violations, subject to Suspension or Expulsion.

The burden of proof is the “preponderance of the evidence” standard, meaning it must be more likely than not that the misconduct occurred. If this standard is met, the Respondent will be found responsible.

## 4.7 Supportive Measures

After receiving a report alleging sexual misconduct, the Title IX Coordinator or Dean of Students (Deputy Title IX Coordinator) will coordinate interim actions, called “Supportive Measures” for assist the victim/surviving student (Complainant) and accused student (Respondent). These measures are designed to ensure the safety, well-being, and access to educational programs or activities for all involved while a complaint is under review. Supportive Measures are non-punitive, individualized, and may be temporary or ongoing depending on the circumstances.

Supportive Measures may include, but are not limited to:

- Academic accommodations, such as deadline extensions, class schedule adjustments, or permission to attend classes remotely.
- Housing or campus living adjustments to ensure physical separation.
- No-contact directives or restrictions on communication between parties.
- Changes to campus work or extracurricular assignments to prevent unnecessary interaction.
- Counseling or health services referrals, including access to mental health or medical resources.
- Interim modifications to campus transportation or parking arrangements.

The Title IX Coordinator will work with students to implement appropriate measures promptly and confidentially, and will review them regularly to ensure they continue to meet the needs of the parties involved. Supportive Measures are available regardless of whether the student chooses to file a formal complaint or pursue a grievance process. Students may request modifications, adjustments, or the removal of Supportive Measures at any time. If a student disagrees with the measures in place, they

may appeal to the Title IX Coordinator, who will review the request and make a determination based on safety, fairness, and the educational needs of all parties.

Please see information on Title IX sanctions, transcript notation and appeals process in the General Conduct Rules section below.

## SECTION 5 – General Conduct Rules

GCC's College conduct system and process is overseen by the Dean of Students. The College's jurisdiction under this Code shall extend to student conduct occurring on College property, property under the management and/or control of the College, and/or off College property when such conduct adversely affects the College community, poses a risk of harm or the threat of harm to the College community, and/or interferes with the College's pursuit of its objectives and mission. A student shall be subject to disciplinary sanctions, and proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

Certain College departments, facilities, academic programs, athletics, student organizations, College Village or clinical or other off-campus assignment sites may have additional context-specific expectations that apply to defined groups of students.

All GCC and College Village personnel share a responsibility to help maintain a respectful and safe environment on College premises or at College activities off campus. Such a responsibility can be manifested as informally as a verbally expressed concern to a transgressing individual or a more formal expression of concern to a department head, divisional dean, or vice president.

Following the report of a violation, the Dean of Students (or designee) will conduct a due process, including investigation and providing the student with an opportunity to be heard, before making a determination and imposing a sanction. A student found responsible for a violation has the right to appeal a given sanction. A student committing a repeat or similar infraction will have only one chance to appeal. Oversight of this process is the purview of the Dean of Students.

Application of College disciplinary procedures regarding any of the following subsections will not preclude criminal or civil prosecution by any party having a legal right to prosecute. The President, or his/her designee (ex. Campus Safety) under authority delegated by the Board of Trustees, is empowered to request police assistance from local, state, and federal agencies. The President may also make the decision to initiate injunction proceedings when deemed necessary.

### 5.1 Prohibited Behavior

Genesee Community College prohibits the following behavior:

#### 1. Alcohol, Marijuana, and other Drugs

- a. The use, sale, transfer, or possession of alcoholic beverages, marijuana, and/or other illegal drugs on College premises (except cases when a permit is issued by the President). Legal prescription drugs must be in their original container.
- b. Knowingly being in the presence or possession of alcoholic beverages, marijuana, and/or other drugs or empty containers for such substances on College premises.
- c. Disruptive behavior exhibited as a result of alcohol, marijuana, and/or other drug use, whether the use was on or off campus. This may also include offensive odors from these substances permeating from a person's body or belongings (ex. marijuana scent).
- d. Attendance in class while under the influence of alcohol or drugs.

#### 2. Academic Dishonesty

- a. Academic dishonesty or other incidents of dishonesty that involve complicity on a large scale. See: [Classroom Policies](#)
- b. Altering any academic coursework and/or examinations so as to unjustly affect the grade awarded to that assignment.
- c. Using Artificial Intelligence or AI (such as ChatGPT) without the express permission of the instructor. The student must divulge its use for anything including generation of ideas, creation of text, and/or reporting the sources. The use of generative AI must be appropriately acknowledged and cited, and it is each student's responsibility to assess the validity and applicability of any generative AI product used and submitted.
- d. Submitting someone else's coursework as your own, including from past semesters.

### **3. Amplification**

- a. Use of amplification/audiovisual equipment and/or interference with any public, office, library, classroom, or other College function in any of the reservation facilities without prior approval from the Campus Events Office.

### **4. Animals on Campus**

- a. Possession or accompaniment of animals in any campus building at any time
- b. Exceptions include laboratory animals and service/comfort animals as defined and recognized through the Access and Accommodations Office, [Procedure 610 Pets on Campus](#), and the College Village pet policy guidelines.
- c. Improper handling or behavior of a service or comfort animal.
- d. Failure to clean up after a service or comfort animal.

### **5. Assault**

- a. Non-physical violence or abuse, including verbal or written abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
- b. Actual or attempted slapping, kicking, shoving, or otherwise striking another person.

### **6. Attempting Prohibited Conduct**

- a. Attempting to engage in conduct which, if completed, would result in the violation of any rule applicable to the College.

### **7. Breaking Laws or College Rules**

- a. Any conduct which constitutes a violation of the laws of the United States, the State of New York, Genesee County, or any other civil jurisdiction.
- b. Failure to abide by any of the College's published policies, rules, and regulations, or any of the published policies of College Village.

### **8. College Grounds Misuse**

- a. Use of College space and grounds by an organization or person without reservation of the space or proper authorization.
- b. Operation of bicycles, skateboards, rollerblades, or other recreational items in a reckless or unsafe manner on College grounds, including College Village.
- c. Bicycles, skateboards, rollerblades, or other recreational items within any GCC or College Village building or facility is prohibited. [College Procedure 613: Use of Wheeled Conveyances in College Facilities](#).

- d. Storage of electric bikes, hoverboards, scooters and similar electronic items are forbidden in GCC buildings or College Village.

## 9. Complicity

- a. The aiding, assisting, or abetting/encouraging any person or persons in any action or conduct stated to be prohibited.

## 10. Computer and Technology Misuse

### [College Procedure 420: Student Misuse of College Computing Resources](#)

- a. A person is responsible of unauthorized use of a computer when he or she knowingly uses, causes to be used, or accesses a computer, computer service, or computer network without authorization.
- b. A person is responsible of computer trespass when he or she knowingly uses or causes to be used, or accesses a computer, computer service, or computer network without authorization and he or she thereby knowingly gains access to computer material.
- c. A person is responsible of computer tampering when he or she uses, causes to be used, or accesses a computer, computer service, or computer network without authorization and he or she intentionally alters in any manner or destroys computer data or a computer program of another person.
- d. A person is responsible of unlawful duplication of, downloading of computer related material when having no right to do so, he or she copies, reproduces or duplicates in any manner computer material.
- e. A person is responsible of misuse when he or she intentionally seeks information on, obtains copies of, or modifies files or passwords belonging to others.
- f. A person is responsible of misuse when he or she intentionally develops or uses programs that harass other users.
- g. A person is responsible of misuse when he or she authorizes individuals who are not associated with the College to use an account, or uses the academic computers for non-work related tasks.
- h. A person is responsible of misuse when he or she fails to cooperate with or follow established computing resource procedures.
- i. A person is responsible of misuse when he or she intentionally alters any computer resources that the College has installed, set-up, or implemented for general or specific use such as but not limited to disconnecting cables from College computers and connecting personal computers or devices to College telecommunication connections, unless written permission has been obtained from the Director of Computer Services or their authorized designee.
- j. Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the student to civil and criminal penalties (View the following Internet web site for penalties of copyright infringement: <http://www.copyright.gov/title17/92chap5.html>) and is a misuse of computing resources.

## 11. Demonstrations Without Authorization

- a. 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 schedules and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement.

- b. Providing or dispensing of materials that could lead to harm or injury to a person, including, but not limited to, self-defense spray, objects that can be thrown, objects that can be used to deface property, etc.
- c. See [College Procedure 137: Maintenance of Order](#)

## **12. Destruction of Property**

- a. Destroying, defacing, materially altering, or otherwise damaging property not his or her own. This includes, but is not limited to, doors, windows, swipe card mechanisms, restroom equipment, vending machine equipment, College transportation equipment, etc.
- b. Creating a condition which endangers or threatens property not his or her own.

## **13. Discrimination**

- a. Unfair treatment of a person or group based on race, color, religion, sex, sexual orientation, familial status, gender identity or expression, age, genetic information, national or ethnic origin, physical or mental disability, marital or veteran status, domestic violence victim status, and/or criminal conviction.

## **14. Dishonesty**

- a. Furnishing false information to any College official, faculty member, employee, or office.
- b. Forgery, alteration, or misuse of any instrument of identification, including, but not limited to, driver's licenses, passports, GCC ID cards, etc.
- c. Posing as someone else, using a fake name, using someone else's I.D.
- d. Use or attempted use of counterfeit money.
- e. Forgery, alteration, falsification, or misuse of any College or official document, supplies, or record, including, but not limited to:
  - Submission of a falsified universal grade change form to the College;
  - Submission of false grade information of any sort to a College office or department, employer, academic institution, etc.;
  - Knowingly falsifying application information.

## **15. Disorderly Conduct**

- a. Conduct that is disorderly, lewd, or indecent, or causes a breach of the peace.
- b. Aiding, abetting, or procuring another person to breach the peace on College premises, or at functions sponsored or participated in by the College.

## **16. Disruption**

- a. The obstruction or disruption of any College function, class, or activity; general disruption that results in Campus Safety or other public servant/faculty/staff response or intervention, both on and off campus.

## **17. Election tampering**

- a. Tampering with the election process of any College-recognized student organization.

## **18. Failure to Comply**

- a. The refusal to obey any reasonable or lawful request, order, or directive of a Campus Safety officer, faculty member, administrator, or any other identified representative of the College.

## **19. Fire and Safety Hazards**

- a. Tampering with, misuse of, or negligent activation of fire alarms and firefighting equipment, including, but not limited to, fire extinguishers, fire hoses, heat and smoke detectors, sprinkler systems, etc. Residents of College Village who have covered smoke detector heads in their apartment will be suspended from the residence halls.
- b. Causing a fire or explosion or unauthorized use of any potential incendiary device or equipment.
- c. Tampering with, or misuse of, or rendering useless any elevator device or systems.
- d. Failure to exit the building during a fire alarm or drill, except as authorized in a documented safety plan.
- e. Use of elevators during a fire alarm or drill.
- f. Possession and/or use of any equipment or materials that is/are determined to be a fire or safety hazard, including but not limited to:
  - Any device with an open flame (candles, Bunsen burners, etc.);
  - Combustible/flammable liquids (butane, gasoline, etc.);
  - Hoverboards, motorized self-balancing or hands-free scooters and e-bikes;
  - Explosives, or any other hazardous materials including sparklers and fireworks;
  - Storage of any motor vehicle or internal combustion machine within any College building

## **20. Gambling**

- a. Money and/or other valuables being exchanged or wagered.

## **21. Harassment**

- a. Unwelcome verbal, non-verbal, or physical conduct, based on race, color, religion, sex, sexual orientation, familial status, gender identity or expression, age, genetic information, national or ethnic origin, physical or mental disability, marital or veteran status, domestic violence victim status, and/or criminal conviction, that is sufficiently persistent or pervasive such that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, bullying or retaliation.

## **22. Hazing**

- a. Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate, that:
  - Is committed during an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
  - Causes or creates a risk, above the reasonable risk encountered during participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury.
- b. The College's full Hazing policy is available at [genesee.edu/hazing](http://genesee.edu/hazing) or [College Procedure 433](#)

## **23. Hearing Process Interference**

- a. Abuse of the disciplinary process, including, but not limited to:
  - Failure to comply with a College official in any form (ex. verbal, written, electronic, etc.);

- Falsification, distortion, or misrepresentation of information before a Hearing body;
- Disruption or interference with the orderly conduct of a Hearing proceeding;
- Attempting to discourage an individual's proper participation in, or use of, the Hearing system;
- Attempting to influence the impartiality of a member of a Hearing body prior to and/or during the course of the Hearing proceeding;
- Harassment (verbal or physical) and/or intimidation of a member of a Hearing body prior to, during, and/or after a Hearing proceeding;
- Failure to comply with the sanctions imposed under the Student Code of Conduct
- Influencing or attempting to influence another person to commit an abuse of the Hearing system.

#### **24. Keys/ID Access Abuse**

- a. Unauthorized possession, duplication, or use of keys or IDs to any College or College Village premises.
- b. Unauthorized entry to, or use of, College or College Village premises.

#### **25. Leaving the Scene**

- a. Attempting to flee or unlawfully leaving the area of an accident, crime, a College violation (and/or areas of potential accidents, crimes, or violations), or avoiding being apprehended or questioning by the College or other law enforcement agencies.

#### **26. Publicity and Posting Unapproved Material**

- a. Distributing promotional material that is not approved by the College and/or College Village [Promoting Your Event Guidelines](#)

#### **27. Retaliation:**

- a. Adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process.
- b. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

#### **28. Sexual Misconduct**

- a. See Section 5 of the Code of Conduct for details about Title IX and Sexual Misconduct.

#### **29. Smoking**

- a. In alignment with GCC's Smoke-Free Policy, smoking and tobacco products (tobacco products means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, tobacco paraphernalia, electronic cigarettes, and smokeless tobacco products) are permitted only outside of College buildings in designated areas.
- b. Smoking and or tobacco products are not be permitted within 50 feet of any entrance or exit of any College owned, leased, or operated facility, including the campus centers, athletic fields, and athletic facilities.

- c. See [College Procedure 611](#) for additional details.

### **30. Substances**

- a. The use, sale, transfer, or possession of illegal substances and/or related paraphernalia on College premises.
- b. Knowingly being in the presence of illegal substances.
- c. Disruptive behavior exhibited as a result of substance use, whether the use was on or off campus.

### **31. Theft**

- a. Using, taking, and/or possessing property or services that are knowingly not his or her own with intention to deprive the owner of his/her rights.
- b. Cafeteria theft
  - Using another person's I.D. to obtain food.
  - Taking food without paying for it.

### **32. Traffic and Driving Interference**

- a. The obstruction of the free flow of pedestrian or vehicular traffic, or the free access to, or exit from, any part of the College or College Village premises.
- b. Unsafe or unauthorized use of a motor vehicle on campus grounds, including operating a motor vehicle under the influence of alcohol, marijuana, and/or other drugs.
- c. Repeated failure to pay parking tickets and/or address traffic fines/citations.
- d. Failure to report accidents to Campus Safety.

### **33. Trespassing/Unauthorized Entry**

- a. Knowingly entering or remaining in a building, office, residence hall room, apartment, or any other College/College Village property at any time without permission or authorization.

### **34. Weapons**

- a. Possession or use of any dangerous or deadly weapon or instrument on any College-owned or controlled property or at any College-sponsored or supervised function.
- b. For purposes of these guidelines, a "dangerous or deadly weapon or instrument" includes but is not limited to any: firearm, shotgun, rifle, pistol, air rifle, BB gun, folding pocket knife, dirk, dagger, locking blade knife, switch blade knife, brass knuckles, blackjack, billy club, nun-chuck sticks, sling shot, taser, stun gun, shocker, razor blade, acid, metal pipe, sharpened wood or metal trap, or any other weapon, instrument or object designed or modified to inflict physical harm on another person or animal. Additionally, the following are prohibited under this policy:
  - Any toy or simulated firearm that shoots a projectile, including but not limited to orbit guns, gel dart gun blasters;
  - Any replica or "fake" copy of a weapon which can, to a reasonable person, seem real; and
  - Chemical irritants (e.g. pepper spray).
- c. In the interest of protecting students, college personnel, or campus visitors, the College retains discretion to determine what constitutes a dangerous or deadly weapon or instrument.
- d. Any will be confiscated and destroyed by Campus Safety.

## 5.1. Additional Conduct Rules and Regulations at College Village

Please visit the website for the most up to date information and housing contract. Not knowing the rules and guidelines will not exempt you from possible sanctions based on behavioral infractions.

[College Village Housing Regulations](#)

[College Village License Agreement](#)

## 5.2. Submitting a Report

All incidents, concerns, or complaints of violations under the Student Code of Conduct shall be reported to and managed by the Dean of Students (or designee).

When a report is received alleging that a student has acted in a manner which may be in violation of the Student Code of Conduct, the Dean of Students initiates the disciplinary process (see Section 6 of the Code), including conducting an investigation, notifying the student of the report and concerns in writing, and providing the student with an opportunity to respond to the allegations. The Dean of Students may conduct further investigation, if necessary. In certain situations where there is a significant safety concern, interim measures may be immediately put in place, such as an interim suspension or interim no contact order.

In extenuating or extraordinary safety situations, the Dean of Students (or designee), in conjunction with Campus Safety, may deviate from the standard conduct process and make decisions out of an abundance of caution for the safety of the college community.

## **SECTION 6 – Disciplinary Process**

### **6.1 Violations of the Code**

The disciplinary process is initiated once a complaint is filed against a student and the Dean of Students determines that a violation exists. This policy is not intended to prevent members of the College community from attempting to resolve matters informally.

When the Dean of Students determines that a violation exists, the Dean will select one of the following options:

1. Verbal or Written warning: For low-level offenses, the Dean of Students may issue a verbal, written and/or electronic warning to the Accused Student. Warnings shall not be subject to appeal
2. Administrative Meeting with Dean of Students (or designee)
3. Hearing Board

NOTE: Failure to cooperate with the College’s investigation of an alleged Student Code of Conduct violation, which includes appearing before a Hearing Board or College official if summoned to do so, will result in the student forfeiting his/her rights to a hearing or appeal and/or may result in disciplinary action. A “hold” may also be placed on the student’s account and interim sanctions put into place. For more information, contact the Dean of Students office.

A student who is charged with a violation and who is a graduating student will be ineligible to graduate until Hearing action on the case has been completed and eligibility to graduate is confirmed. If the Hearing action results in suspension, the student will be subject to being ineligible to graduate until the term of suspension has been served. Campus Hearing action for an alleged violation of the Code of Conduct will not be delayed due to the pending nature of any related criminal charges.

### **6.2 Hearing Board**

The College Hearing Board is the primary fact-finding and decision-making body in the College conduct system. The Hearing Board shall consist of a minimum of three GCC employees, approved by the Dean of Students or designee.

This Board hears and decides whether the student is responsible or not responsible for the infractions, and may recommend sanctions. The decision of assigning sanctions is the responsibility of the Dean of Students or designee. All decisions are final, with the exception of the appeal process.

Every attempt will be made to schedule the Hearing Board and Administrative Hearings within a timely manner. The rules of evidence do not apply, but rather the preponderance of evidence standard (what’s more likely than not).

The Accused Student has the right to be accompanied by one advisor of his/her own choosing and at his/her own expense. The advisor may be an attorney. An advisor's role is limited to advising the Accused Student directly. An advisor is not permitted to participate directly in the hearing.

A request to reschedule a Hearing Board hearing must be completed 24 hours prior to the scheduled time of the hearing and will only be considered for just cause. Just cause will be determined by the Dean of Students or his/her designee. Only one request will be considered, and the alternative date must be within five (5) business days. Failing to attend a Hearing Board hearing will result in the hearing being conducted in the student's absence. If a student is late to his/her Hearing Board hearing and the hearing has already commenced, the student will be permitted to attend at the discretion of the Hearing Board.

### **6.3 Hearing Conduct**

A hearing is normally conducted in private.

There shall be a record created of all hearing boards. The record shall be the property of the College.

All questions and names of witnesses are subject to the final decision of the Hearing Board.

Admission of any person(s) into the hearing shall be at the discretion of the Hearing Board.

A hearing shall proceed as follows:

1. Generally, the Dean of Students or designee presents the statement of charges on behalf of the College. The Dean of Students may present documents, materials, and/or witnesses in support of the statement of charges.
2. The Respondent Student responds to the statement of charges. The student may present documents, materials, and/or witnesses in response to the statement of charges, if previously submitted. If not submitted ahead of time, it will be at the discretion of the Dean of Students or designee to allow these.
3. Following the parties' presentations, the College Hearing Board may question each party, their witnesses, and/or review all information presented. The College Hearing Board has the option to request additional documents, materials, or information from either party and has the final opportunity to question the parties.
4. The Hearing Board shall determine, by majority vote, whether the statement of charges has been proven (responsible or not responsible). They may recommend sanctions to the Dean of Students or designee, who will make the final decision.

Within five (5) business days after the hearing, the Dean of Students or designee will forward a written and/or electronic decision outlining findings and disciplinary action, if any, to the parties.

### **6.4 Disciplinary Sanctions**

Please note: For students found responsible for Sexual Assault, the available sanctions are suspension with additional requirements before re-enrollment or expulsion/dismissal. Students found responsible for Domestic Violence, Dating Violence, or Stalking may be subject to one or more sanctions. A sanction

need not be imposed in every case, and no sanction shall be imposed that is more serious than is clearly appropriate for the circumstances.

Findings and sanctions will become a part of a student's conduct file and will be part of the student's educational record.

The following sanctions (not all inclusive) may be imposed upon any student found to have violated the Student Code of Conduct:

1. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
2. **Fines:** This action may be imposed when necessary.
3. **Educational Sanctions:** Including work assignments, essays, community service, behavioral contract, administrative referral, or other related educational assignments.
4. **Verbal Warning:** This action is a formal admonition on behalf of the College community and is intended to clearly document, in a student's disciplinary file, that his/her behavior has been deemed unacceptable. Reprimands typically do not include additional sanctions, but may.
5. **Written Warning:** This action is a written and/or electronic statement on behalf of the College community and is intended to clearly document, in a student's disciplinary file, that his/her behavior has been deemed unacceptable and that repetition or additional wrongful conduct would be followed by more severe disciplinary action. A written and/or electronic warning may include additional sanctions.
6. **Disciplinary Probation:** The student is not in good standing for a designated period of time and is notified that further proven violations of the Student Code of Conduct may result in suspension or expulsion from GCC, particularly if the incident occurs during the probationary period.
7. **Discretionary Sanctions:** This action typically occurs in conjunction with a written and/or electronic warning or disciplinary probation. Sanctions include but are not limited to: essays, privilege revocation, referral to counseling or another service area, work assignments, apology letters, service to the College, or other related discretionary assignments may be imposed.
8. **Interim Sanctions:** This action results in directives that are in place through the Hearing process. A student may be placed on a disciplinary probation status, temporarily relocated or removed from the College Village, unable to attend one or more class, referred to counseling, provided an order of no contact, etc., while an investigation and Hearing Board hearing are taking place.
9. **Facility Suspension:** The student no longer has the privilege of entering or using a particular facility or building for a specified period of time or until a specific condition is met.
10. **Facility Expulsion:** The student has lost the privilege of entering in or using a particular facility or building at any time.

11. **Loss of Privileges:** Denial of specified privileges for a designated period of time.
12. **Removal from Class:** The student is barred from attending one or more classes or may be reassigned to a different section(s) of the same class. Details will be coordinated between the Dean of Students or designee and the appropriate faculty member.
13. **Revocation of Admission:** The student loses admitted status to GCC. A permanent notation will be made on the student's college transcript indicating that the admission was revoked and the date of the action.
14. **Revocation of Degree:** The student loses the right to claim a degree from GCC. Awarding of the degree will be removed from the student's transcript and a permanent notation will be made on the transcript indicating the revocation, the degree involved, and the date of the action. The Provost/Executive Vice President for Academic Affairs or designee shall review all recommendations for degree revocation.
15. **Interim Suspension:** This action results in the immediate removal of a student from the College, including the College Village, until a conduct hearing can take place. If a student is interim suspended, immediate written and/or electronic notice of charges is provided and a Hearing Board hearing is scheduled within five (5) business days (more days in extreme situations). During this time, a student may not be permitted to be on campus for any reason without notifying Campus Safety and College Village Safety.
16. **Suspension from GCC** - suspension is defined as a complete separation from GCC activities, services, facilities, and grounds. Suspension may be:
  - a. Term suspension will be for a specified time, after which the suspended student may return to GCC.
  - b. Conditional suspension will stipulate that reentry to the college community will be granted upon the fulfillment of certain conditions by the student. Subject to fulfillment of the stipulated conditions, the suspension will be indefinite.
  - c. It is at the discretion of the Dean of Students (or designee) AND faculty members whether to allow a suspended student to complete the semester remotely, if it is close to the end of the semester.
17. **Suspension from College Village**
18. **Suspension from another college or institution:** GCC will not look at GCC Admission applications until one full year has passed.
19. **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.
20. **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 (including College Village charges).

21. **Expulsion from GCC:** The student is permanently separated from GCC, may not be present on GCC property, or in attendance at GCC-sponsored events. Permanent notification will appear on the student's transcript.

### **Student Group or Organization Sanctions**

1. Any of those sanctions listed above.
2. Loss of registration as a registered student organization. The Student Activities Office shall notify any national, regional or state governing body with whom the organization is associated or which sponsors social, academic, or sports events when such action is taken. Loss of registration includes loss of all student activity fee and College funding and all rights and privileges given to registered student organizations.

More than one of the sanctions listed above may be imposed for any single violation. A sanction need not be imposed in every case, and no sanction shall be imposed that is more serious than is clearly appropriate for the circumstances.

Any sanction imposed will be in effect at all campuses/sites or functions sponsored by or under the supervision of GCC or College Village.

Where there is reasonable cause to believe that a student has intentionally selected a person or persons to victimize or selected property to damage, or violated other provisions of the Student Code of Conduct because of the personal characteristics or status of a person or group of persons or personal characteristics or status of the owner or owners of any property, sanctions may be increased. These characteristics include, but are not limited to race, ethnicity, creed, disability, color, religion, national origin, sex, age, veteran's status, marital status, sexual orientation, or public assistance status.

If a student is found responsible for one or more violations of the Student Code of Conduct, the student's prior conduct record will be taken into consideration and may result in progressive sanctions because of a pattern of behavior. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Dean of Students or designee may supply information to the Hearing Board in pattern-offense situations.

All conduct records are kept by the Dean of Students Office for seven (7) years from the date of the incident.

## **6.5 Transcript Notation Policy**

Genesee Community College official transcripts will notate reportable Code of Conduct violations. For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act, Genesee Community College shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, Genesee Community College shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Students may make an appeal seeking removal of a

suspension transcript notation following the Appeals process. The suspension notation may not be removed prior to one year after conclusion of the suspension. Notations for expulsion may not be appealed and will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

## 6.6 Appeals Process

A student who is found responsible for violating the Student Code of Conduct may petition within five (5) business days of the written and/or electronic notice of a decision reached or a sanction imposed. Appeals will be in writing, can be emailed, no texting, and shall be submitted to the Dean of Students or designee(s). An appeal is not a review of a case, but instead is an independent review of the process utilized to reach the original finding or decision.

Students may appeal the decision of a hearing for the following reasons, and MUST indicate the reason in the appeal:

- Procedural irregularity that affected the outcome of the hearing. During the hearing process, there was a material deviation from the College's written procedures that adversely affected the outcome of the hearing.
- Harshness of sanction inconsistent with stated community standards and precedents. The sanction(s) imposed were grossly disproportionate to the violation(s) of the Student Code of Conduct for which the student was found responsible.
- Pre-Hearing bias on the part of the hearing board members.
- New information. Information has been discovered that was not reasonably available at the time of the hearing and that could be sufficient enough to alter the outcome of the hearing. New evidence not available at the time of the original hearing must be brought to the attention of the original hearing body for consideration before the case can be presented on appeal.

*In cases of Title IX with a complaint of sexual harassment or sexual assault, both the accused student and the complainant may appeal a decision of a hearing board or officer based on one or more of the reasons stated above.*

Sanctions imposed upon students found responsible for a Student Code of Conduct violation will not go into effect until there is a final appeal decision in the case unless there are extenuating circumstances. Interim suspensions will remain in effect during the appeal process.

The function of the Appeals Board is to ascertain that hearings have been conducted fairly, in accordance with the procedures outlined above, and without undue bias. The Appeals Board will not substitute its own judgment for that of the original hearing body, nor will it concern itself with the possibility that others might have arrived at a different judgment. Its terms of reference extend only to investigation of the procedures by which the original judgment was reached. Decisions of the Appeals Board are final.

The Appeals Board shall be composed of a minimum of three members (employees).

Within five (5) business days of receipt of the appeal (with leniency in time due to extraordinary circumstances), the Dean of Students shall convene the Appeals Board to determine whether the appeal

shall be considered. In making that decision, the Appeals Board shall have access to the written and/or electronic records of the case.

If the Appeals Board decides to consider the appeal, the Appeals Board shall have access to the records of the hearing. The Appeals Board may decide:

- To uphold the original decision.
- To return the case to the original board for rehearing. This shall normally be done when there is a procedural irregularity that could be corrected in a rehearing.
- To return the case to the Dean of Students with a recommendation that the sanction be modified, together with an explanation of why the original sanction is deemed inappropriate.

The appellant and other party shall be informed in writing of the decision and of the grounds for the decision.

## **SECTION 7 – Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Please check with the college Registrar for more detailed information about FERPA.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by GCC to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, SW  
Washington, DC 20202-4605

## **SECTION 8 – Enforcement of Conduct**

Any question regarding the enforcement, interpretation or application of this Code shall be referred to the Dean of Students (or designee) for a final determination.

## **SECTION 9 – Records Release Policy Statement**

Colleges and universities vary widely in the student misconduct issues that they consider “reportable” to outside agencies, potential employers, and graduate or professional programs. The practice of the Dean of Students Office at Genesee Community College is to report any formal disciplinary action taken against a student that results in a finding of responsible for a Genesee Community College policy violation and a sanction of disciplinary probation or greater (our sanctions, in order of increasing severity, are: verbal reprimand, written and/or electronic warning, disciplinary probation, suspension, expulsion. Each infraction usually receives one of these statuses in addition to other educational activities and mandates).

Disciplinary records are maintained for seven (7) years after the end of an academic year. Suspension and expulsion records continue to be maintained longer.

## APPENDIX A – Code Definitions

For the purpose of this Code, the following definitions apply:

- A. **Accused:** A person accused of a violation who has not yet entered an Institution's Hearing or conduct process.
- B. **Administrative Hearing:** A resolution of a complaint between the accused individual and the Dean of Students and the Accused Student. An administrative hearing shall result in an Accused Student waiving his/her right to a Hearing Board hearing or appeal.
- C. **Affirmative Consent:** Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
  - 1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
  - 2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - 3. Consent may be initially given but withdrawn at any time.
  - 4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
  - 5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - 6. When consent is withdrawn or can no longer be given, sexual activity must stop.
- D. **Appeals Officer:** The College's Dean of Students or designee(s).
- E. **Associate Dean of Students:** Acts as Dean of Students when designated.
- F. **Bystander:** A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.
- G. **Clery Act:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal statute that requires colleges and universities that participate in federal financial aid programs to keep and disclose statistics about crime on or near their campuses.
- H. **Code of Conduct:** The written and/or electronic policies adopted by an Institution governing student behavior, rights, and responsibilities while such student is matriculated in the Institution.

- I. **College Property:** For the benefit of this document, it includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets and sidewalks. It also includes College Village and the Campus Centers.
- J. **Complaint:** An allegation of a violation of the Student Code of Conduct, which is filed with or by a college official.
- K. **Confidentiality:** May be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with State and Federal law. Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.
- L. **Dating violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence. It does not require that the dating violence be a "crime of violence".
- M. **Day:** As used in this policy, shall mean a business day. The number of days indicated at each level shall be considered as a maximum. All reasonable efforts shall be made to expedite the process, but the Dean of Students may extend the time limits at his/her discretion in exceptional situations.
- N. **Dean of Students:** The College official charged with the responsibility of administering the College's Student Code of Conduct.
- O. **Domestic violence:** A felony or misdemeanor crime of violence committed:
  - 1. By a current or former spouse or intimate partner of the victim;
  - 2. By a person with whom the victim shares a child in common;
  - 3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - 4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
  - 5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- P. **Hearing Board:** Members of the College community approved by the Dean of Students to conduct a hearing when it has been determined by the Dean of Students that a violation of the Student Code of Conduct has occurred. Members of the Board shall act in a fair and impartial manner.
- Q. **Incapacitation:** Physical and/or mental inability to make informed, rational judgments and decisions. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.

1. In evaluating whether a person was incapacitated for purposes of evaluating affirmative consent, the College considers two questions:
    - i. Did the person initiating sexual activity know that the other individual was incapacitated? and if not,
    - ii. Should a sober, reasonable person in the same situation have known that the other individual was incapacitated?
  2. If the answer to either of these questions is “yes,” affirmative consent was absent.
  3. Incapacitation is a state beyond drunkenness or intoxication. A person is not incapacitated merely because they have been drinking or using drugs. The standard for incapacitation does not turn on technical or medical definitions, but instead focuses on whether a person has the physical and/or mental ability to make informed, rational judgments and decisions. A person who initiates sexual activity must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs may include: slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, and/or incontinence. Additionally, a person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?”, “Do you know how you got here?”, “Do you know what is happening?”, “Do you know whom you are with?”
- R. **Institution:** Any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.
- S. **Privacy:** May be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate Institution officials.
- T. **Reporting Individual:** Encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.
- U. **Respondent:** A person accused of a violation who has entered an Institution's Hearing or conduct process.
- V. **Retaliation:** Adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.
- W. **SaVE Act:** The Campus Sexual Violence Elimination Act (the Campus SaVE Act) refers to the Violence Against Women Act (VAWA) amendments to the Clery Act. The Campus SaVE Act is an update to the Clery Act, expanding the scope of this legislation in terms of reporting, response, and prevention education requirements around rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.
- X. **Sexual act:** The term “sexual act” means –

1. Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
  2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
  3. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
  4. The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- Y. **Sexual assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Specifically:
1. Rape
  2. Fondling
  3. Incest
  4. Statutory Rape
- Z. **Sexual contact:** The intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- AA. **Sex discrimination:** Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity. This also includes discrimination based on perceived identity whether that perception is accurate or not.
- BB. **Sexual harassment:** Unwelcome verbal or physical conduct that is sexual in nature. It is sufficiently persistent or pervasive in that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational program and/or activities. It is based on power differentials ("quid pro quo" harassment) or the creation of a hostile environment.
1. *Quid Pro Quo Harassment* occurs when an individual in a position of authority (such as an employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service) explicitly or implicitly conditions an educational aid, benefit, or service on a person's participation in unwelcome sexual conduct. This form of harassment involves an abuse of authority and is considered unwelcome, even if the victim acquiesces to the conduct or does not resist or object to it.
  2. *Hostile environment harassment:* Unwelcome sex-based conduct that is subjectively and objectively offensive and so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the institution's education program or activity. This determination is based on the totality of the circumstances, including the ages, roles, and other relevant characteristics of the parties involved. A single serious incident, even if not pervasive, may create a hostile environment, and pervasive conduct, even if no single occurrence is severe, may also create a hostile environment.
  3. Sex based harassment: prohibited Sex-based harassment is a form of sex discrimination, and means sexual harassment and other harassment on the basis of sex, including on the bases of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual

orientation and gender identity, that is:

(1) Quid pro quo harassment

(2) Hostile environment harassment; or

(3) Specific Offenses:

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking
- Unwelcome physical contact
- Continued expression of sexual interest after being informed that the interest is unwelcome
- Requests for sexual favors
- Persistent requests for a date, telephone calls, emails or other communication that is unwelcome
- Posters, photos, cartoons, or graffiti that are demeaning or offensive
- Sexual language and/or jokes of a sexual nature
- Unwelcome visual contact, such as leering or staring at another person
- Comments or statements that are demeaning, humiliating, suggestive, insulting, vulgar, crude, or lewd
- Sexual gestures
- Following or stalking
- Taking pictures that are sexual in nature
- Preferential treatment or promise of preferential treatment for submitting to sexual conduct

CC. **Sexual Misconduct:** Is sexual harassment or sexual violence, and encompasses a wide range of behavior for sexual purposes against another's will or at the expense of another. Sexual misconduct includes, but is not limited to: sexual assault, intimate partner violence, stalking of a sexual nature, or any conduct of a sexual nature that is nonconsensual or has the effect of threatening or intimidating another.

DD. **Stalking:** The Clery Act defines stalking as a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

The course of conduct must include two or more acts, such as:

- Following, monitoring, observing, or surveilling
- Threatening
- Communicating to or about the person
- Interfering with the person's property

EE. **Student:** Includes all persons taking courses at the College, both full time and part time, online, credit and non-credit. Persons who are not officially enrolled for a particular term, but who have a continuing academic relationship with the College, are considered "students." This includes persons who withdraw while an investigation of an alleged violation is pending and/or prior to completion of the adjudication process. It also includes persons who are enrolled in pre-collegiate programs, co-sponsored partnerships, and other re-occurring programs.

FF. **Title IX:** Part of the Educational Amendments of 1972, Title IX states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance.” See more recent relevant information below.

GG. **Title IX Coordinator:** The Title IX Coordinator and/or his or her designee or designees works in collaboration with the Dean of Students and Campus Safety.

HH. **Violence Against Women Act (VAWA):** VAWA requires colleges and universities to: (1) report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates; (2) adopt certain student discipline procedures, such as for notifying purported victims of their rights; and (3) adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.