

Procedure 121.1 Sexual Violence Response

March 27, 2024

Supersedes previous procedure 121.1 dated September 25, 2015



Summary

In accordance with the Students' Bill of Rights contained within the [Grievance Procedure for Sex Discrimination and Sex-Based Harassment Complaints](#), reporting individuals shall have the right to choose whether or not to pursue any of the options below, together or separately.

Process

A. Reporting

An incident can be **confidentially** disclosed to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services. More information on confidential reporting is available in the [Procedural Options for Confidentially Disclosing Sexual Violence 121.2](#).

1. [Genesee Community College's Counseling Service](#)
One College Rd, C219
Batavia, NY 14020
585-343-0055, ext. 6219
counseling@genesee.edu
2. Anonymously via the Campus Safety [Silent Witness Form](#)
3. To **confidentially** disclose the incident and obtain services from the New York State, City, or County hotlines, contact the [NY Office for the Prevention of Domestic Violence](#) (more options are located in the lefthand menu at the bottom of the page), or call 1-800-942-6906 for their direct hotline.

Assistance can also be obtained through:

- [Legal Momentum](#) for learning about your rights and legal representation for harassment, discrimination, and violence.
- [LGBT National Hotline](#) for assistance from other members of the LGBTQ community for any crisis situation, peer support, and local resources.
- [The National Domestic Violence Hotline](#) provides crisis support and a search for local shelters and other means of assistance.
- [NYS Coalition Against Sexual Assault \(NYSCASA\)](#) to find local rape crisis programs and hotlines, toolkits, and culturally specific support.

- [NYS Coalition Against Domestic Violence \(NYSADV\)](#) for domestic violence programs by county.
- [NYS LGBTQ IVP Network](#) for support that specializes in LGBTQ issues.
- [NYS Office of Victim Services](#) provides a search function for local services.
- [Pandora's Project](#) for resources, reporting, and finding support groups.
- [RAINN](#) for a list of hotlines and finding local support.
- [Safe Horizons](#) for crisis hotlines in NY (focused on NYC).

These hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Victims are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.

An incident may be disclosed to one of the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources:

Patty Chaya, Dean of Students
 One College Rd, C219
 Batavia, NY 14020
 (585) 343-0055 ext. 6219
pechaya@genesee.edu

Christa Aldrich, Executive Director for Human Resources
 Title IX Coordinator
 One College Rd, C112
 Batavia, NY 14020
 (585) 343-0055, ext. 6514
cmaldrich@genesee.edu

Daniel Coffey, Director of Campus Safety
 One College Rd, B111
 Batavia, NY 14020
 (585) 343-0055 ext. 6500
djcoffey@genesee.edu

These officials will also provide information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are *private* and *not confidential* resources, and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator. They will notify the reporting individuals that the criminal justice process uses different standards of proof and

evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney.

To file a ***criminal complaint*** with Campus Safety, local law enforcement, or with state police, contact:

Daniel Coffey, Director of Campus Safety
One College Rd, B111
Batavia, NY 14020
(585) 343-0055 ext. 6500
djcoffey@genesee.edu

Campus Safety available 24 hours
publicsafety@genesee.edu

Genesee County Sheriff's Office via 911
165 Park Road
Batavia, New York 14020-1283
Business Office: (585) 345-3000
sheriff@co.genesee.ny.us

Livingston County Sheriff's Office
4 Court Street
Geneseo, NY 14454
(585) 243-7100
lcso@co.livingston.ny.us

Orleans County Sheriff's Office
400 Public Safety Building
13925 State Route 31
Albion, New York 14411-9386
(585) 590-4142
sheriff@orleanscountyny.gov

Wyoming County Sheriff's Office
151 N. Main St.
Warsaw, NY 14569
(585) 786-2255
dlinder@wyomingco.net

State Police 24-hour hotline
1-844-845-7269

To **receive assistance** in initiating legal proceedings in family court or civil court, by the Campus Safety office:

Daniel Coffey, Director of Campus Safety
One College Rd, B111
Batavia, NY 14020
(585) 343-0055 ext. 6500
djcoffey@genesee.edu

Campus Safety available 24 hours
publicsafety@genesee.edu

To **file a report** of sexual assault, domestic violence, dating violence, or stalking, or talk to the Title IX Coordinator for information and assistance:

Christa Aldrich, Executive Director for Human Resources
Title IX Coordinator
One College Rd, C112
Batavia, NY 14020
(585) 343-0055, ext. 6514
cmaldrich@genesee.edu

Reports will be investigated in accordance with Genesee Community College policy and the reporting individual's identity shall always remain private if the reporting individual wishes to maintain privacy. If a reporting individual wishes to keep their identity anonymous, they may call the Counseling Office, ext. 6219, anonymously to discuss the situation and available options.

When the accused is an employee, a reporting individual may also report the incident to the Office of Human Resources, or may request that one of the above confidential or private employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the accused is an employee of an affiliated entity or vendor of the college, if requested, college officials will assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

Christa Aldrich, Executive Director for Human Resources
Title IX Coordinator
One College Rd, C112
Batavia, NY 14020
(585) 343-0055, ext. 6514
cmaldrich@genesee.edu

You may withdraw your complaint or involvement from the Genesee Community College process at any time.

Every college shall ensure that at the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: “You have the right to make a report to Campus Security, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.”

B. Resources

To obtain effective intervention services, contact:

[Genesee Community College’s Counseling Service](#)

One College Rd, C219
Batavia, NY 14020
585-343-0055, ext. 6219 (No charge)

Student Wellness Center
One College Rd, B109
Batavia, NY 14020
585-343-0055, ext. 6835 (No charge)

United Memorial Medical Center
127 North Street
Batavia, New York 14020
(585) 343-6030

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available:

Genesee County Health Department
3837 West Main St Rd
Batavia, NY 14020
585-344-2580, ext. 5000
Free testing: Tuesdays, 9-11am and 2-4pm (walk-ins welcome)

Planned Parenthood
222 W Main Street
Batavia, NY 14020
866-600-6886

Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services.

The New York State Office of Victim Services may be able to assist in compensating victims and survivors for health care and counseling services, including emergency funds. More information may be found [here](#) on the Office of Victim Services website, or by calling 1-800-247-8035. More options are provided and explained [here](#).

To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

C. Protection and Accommodations

When the accused is a student, the victim/survivor has the right to request the College to issue a “No Contact Order.” This means that the accused continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person. Either the accused or reporting individual may request a prompt review of the need for and terms of a No Contact Order. Parties may submit evidence in support of their request.

You may have assistance from Campus Safety or other College officials in initiating legal proceedings in family court or civil court, including but not limited to, obtaining an Order of Protection (or equivalent if outside of New York State).

You have a right to receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a College official who can explain the Order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).

You have a right to receive an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.

You may have assistance from Campus Safety in effecting an arrest when an individual violates an Order of Protection or equivalent; or, if outside of the jurisdiction of Campus Safety, to call on and assist local law enforcement in effecting an arrest for violating such an order.

When the accused is a student and presents a continuing threat to the health and safety of the college community, they may be subject to interim suspension pending the outcome of a student conduct process. Parties may request a prompt review of the need for and terms of an interim suspension.

When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, the accused may be subject to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and College policies.

When the accused is not a member of the college community, the victim/survivor may have assistance from Campus Safety or other College officials in obtaining a persona non grata letter, subject to legal requirements and college policy.

You may obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:

Patty Chaya, Dean of Students
One College Rd, C219
Batavia, NY 14020
(585) 343-0055 ext. 6219
pechaya@genesee.edu

D. Student Conduct Process

You have the right to request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the [Genesee Community College Student Code of Conduct](#), as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the student conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct.
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual

training in conducting investigations of sexual violence; the effects of trauma; the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made; and other issues related to sexual assault, domestic violence, dating violence, and stalking.

- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required or eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- The right to have a student conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days, without good cause, except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during the investigation and to review available relevant evidence in the case file.
- The right to present evidence and testimony at the hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone, videoconferencing, or testifying with a room partition.
- The right to exclude prior sexual history with persons other than the party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction(s).
- The right to ask questions of the decision maker, and via the decision maker, indirectly request responses from other parties and any other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right for both parties to have simultaneous written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s), and the rationale for the decision and sanctions.

- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the student conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion.
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years.
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

For further information about the Student Conduct process, contact:

Patty Chaya, Dean of Students
Genesee Community College
Room C219
(585) 343-0055 ext. 6219
pechaya@genesee.edu

Forms

None

Related Documents

Policy 1020.1: Nondiscrimination

Policy 1021: Sexual Harassment

Procedure 121: Preventing and Addressing Sexual Harassment

Procedure 121.2: Options for Confidentially Disclosing Sexual Violence